

SIXTH MEETING OF MINISTERS OF JUSTICE
OR OF MINISTERS OR ATTORNEYS GENERAL
OF THE AMERICAS
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FINAL REPORT OF THE SIXTH MEETING OF MINISTERS OF JUSTICE OR
OF MINISTERS OR ATTORNEYS GENERAL OF THE AMERICAS

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FINAL REPORT OF THE SIXTH MEETING OF MINISTERS OF JUSTICE OR
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INTRODUCTION

1. Convocation

At its thirty-fifth regular session held in Fort Lauderdale, United States, the General Assembly of the Organization of American States (OAS) adopted resolution AG/RES. 2068 (XXXV-O/05), as follows:

“To convene the Sixth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA-VI), to be held in 2006 within the resources allocated in the program-budget of the Organization and other resources; and to instruct the Permanent Council, with technical support from the Office of Inter-American Law and Programs of the General Secretariat, to carry out the preparatory work and set the date and place for the meeting.”

2. Scope of the Mandate

In the aforementioned resolution AG/RES. 2068 (XXXV-O/05), the General Assembly resolved:

“1. To instruct the Permanent Council to follow up, in a manner it deems appropriate, on the technical meetings held pursuant to the conclusions and recommendations of the Meetings of Ministers of Justice or of Ministers or Attorneys General of the Americas” and resolution AG/RES. 2040 (XXXIV-O/04), in particular the following, and on their results:

- The First Meeting of Central Authorities and Other Experts on Mutual Legal Assistance in Criminal Matters and Extradition, held in Ottawa, Canada, in April and May 2003;
- The Third Meeting of the Group of Governmental Experts on Cyber-Crime, held in June 2003 at OAS headquarters, in Washington, D.C.;
- The First Meeting of the Group of Officials Responsible for the Penitentiary and Prison Policies of the OAS Member States, held in October 2003 at OAS headquarters, in Washington, D.C.;
- The Meeting of Government Experts to Consider the Advisability of Developing a Hemispheric Plan of Action against Transnational Organized Crime, held in April 2005 at OAS headquarters, in Washington, D.C.;
- The Meeting of Experts on Cooperation with respect to the Denial of Safe Haven to Corrupt Officials and Those Who Corrupt Them, Their Extradition, and the Denial of Entry and Recovery of the Proceeds of Corruption and Their Return to Their Legitimate Owners, in fulfillment of the Plan of Action of Managua on

Additional Concrete Measures to Increase Transparency and Combat Corruption within the Framework of the Inter-American Convention against Corruption (EPCICOR/doc.04/04 rev. 5, corr. 1, paragraph 9) and resolutions AG/RES. 2034 (XXXIV-O/04), operative paragraph 6.c, and CP/RES. 875 (1460/05), held on March 28 and 29, 2005, at OAS headquarters, in Washington, D.C.

2. To request the Permanent Council to convene, in accordance with the “Conclusions and Recommendations of REMJA-V” and resolutions AG/RES. 2019 (XXXIV-O/04), AG/RES. 2026 (XXXIV-O/04), and AG/RES. 2040 (XXXIV-O/04), prior to the holding of REMJA-VI, the following technical meetings, taking into account the progress made during the preparatory process for said meetings:

- The Second Meeting of Central Authorities and Other Experts on Mutual Legal Assistance in Criminal Matters and Extradition, to be held in Brasilia from September 1 to 3, 2005;
- The Fourth Meeting of the Group of Governmental Experts on Cyber-Crime, taking into account the conclusions of the subregional workshops held since the last meeting of the Group, which took place in June 2003 at OAS headquarters, in Washington, D.C.;
- The Second Meeting of the Group of Officials Responsible for the Penitentiary and Prison Policies of the OAS Member States;
- The Meeting of National Authorities on Trafficking in Persons, especially Women and Children, pursuant to resolutions AG/RES. 2019 (XXXIV-O/04), AG/RES. 2026 (XXXIV-O/04), and AG/RES. 2040 (XXXIV-O/04).

5. To instruct the Permanent Council to present a report on the implementation of this resolution to the General Assembly at its thirty-sixth regular session.”

CHAPTER I BACKGROUND

1. First Meeting of Ministers of Justice or of Ministers or Attorneys General (Buenos Aires, 1997)

The Ministers of Foreign Affairs and Heads of Delegation of the OAS member states, meeting in Lima, Peru, at the twenty-seventh regular session of the General Assembly, adopted resolution AG/RES. 1482 (XXVII-O/97), “Meeting of Ministers of Justice,” which underscored “the importance of holding a meeting of ministers of justice, or of ministers or attorneys general with competence in this area, to consider issues contributing to enhanced legal and judicial cooperation in the Americas.”

In that resolution, the General Assembly instructed the Permanent Council to hold the necessary consultations so as to prepare the agenda and convene and organize the meeting, and requested that it report on the implementation of that resolution to the General Assembly at its twenty-eighth regular session.

In accordance with that General Assembly resolution, the Permanent Council of the Organization of American States, bearing in mind the offer of the Government of the Argentine Republic to host the Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, as well as the guidelines for that meeting's agenda, adopted resolution CP/RES. 709 (1141/97), in which it convened the meeting and approved the following agenda:

1. "Rule of Law. New institutions and developments":
 - a. Experiences at the national level
 - b. Experiences at the regional and subregional levels
2. "Modernization and strengthening of the justice system. Reform, new trends, and the use of mechanisms such as arbitration, mediation, and conciliation"
3. "Combating corruption, organized crime, and other criminal activities":
 - a. Experience at the national level
 - b. Initiatives to strengthen legal/judicial cooperation
4. "Analysis of the application of judicial and juridical cooperation agreements in the Americas"
5. "Correctional institution policy and reform processes. Strengthening of initiatives to rehabilitate prisoner/convicts and reintegrate them into society"

The First Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas was held in Buenos Aires, Argentina, from December 1 to 3, 1997.

At the conclusion of its discussions on the various agenda items, the First Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas reached the following conclusions and made the following recommendations:

A. Conclusions

1. The existence of a legal system that guarantees the observance of human rights and duties facilitates access to justice, and offers protection to society, is an essential element for consolidating the rule of law and for allowing social and economic development to proceed as an effective formula for the integration of our peoples.
2. Strengthening the legal system requires the adoption of standards that will preserve the independence of the judiciary, the continued improvement of its institutions' abilities to enforce the rule of law, and the training and continuous upgrading of magistrates, judges, prosecutors and public attorneys, and other officials related to the justice system, as well as lawyers.
3. The threats facing our societies, such as organized crime, corruption, drug trafficking, terrorism, money laundering, child exploitation, and the deteriorating natural

environment, can only be successfully addressed by upgrading our national systems of justice, and by strengthening international cooperation in these areas, in all its forms.

4. The valuable inter-American juridical inheritance embodied in the many treaties prepared under the aegis of the Organization of American States needs to be given effective application, through prompt ratification of the conventions that have been signed, and adequate dissemination of its texts, and of the practice of member states.
5. International legal cooperation is essential for the development of justice systems within the member countries of the OAS. Consequently, and in accordance with each country's legislation, there is a need to promote mutual legal assistance in a flexible and effective manner, in particular with respect to extradition, requests for delivery of documents and other forms of evidence, the establishment of secure and prompt channels of communications such as those of Interpol, and strengthening of the role of the Central Authorities.
6. One of the major challenges facing our societies today is to develop prison and penitentiary systems that offer suitable conditions for rehabilitation and re-integration into society for those who have been sentenced to imprisonment by the courts.

B. Recommendations

In light of the foregoing considerations, and with a view to pursuing the process initiated at this meeting, we make the following recommendations:

1. To continue the process of strengthening the legal systems of the Americas, so as to ensure that individuals have full access to justice, to guarantee the independence of the judiciary and the effectiveness of prosecutors and public attorneys, and to encourage the establishment of responsive and transparent systems and modern institutions.
2. To approach the process of modernizing justice from a multidisciplinary viewpoint that goes beyond strictly legal considerations, and embraces such aspects as: organizational analysis, systems management, social costs and benefits, economic and statistical studies.
3. To encourage the incorporation of alternative dispute settlement procedures into national justice systems.
4. To continue efforts to improve inter-American instruments for legal cooperation, to which end every state should evaluate the current application of existing measures, and take steps to disseminate them more broadly, as well as to promote the establishment of other instruments that may be necessary to deal with new contingencies.

To request the General Secretariat of the OAS to prepare a study on the obstacles impeding the effective application of treaties of legal and judicial cooperation, on the basis of reports to be submitted by member states.

5. To promote the exchange of national experience and technical cooperation in prison and penitentiary policy matters, within the framework of the OAS.
 6. To promote the sharing of experience and technical cooperation in matters related to criminal prosecution systems, access to justice, and judicial administration.
 7. To reinforce the fight against corruption, organized crime and transnational criminal activity, and to adopt new legislation, procedures, and mechanisms as necessary to combat these scourges.
 8. To welcome the forthcoming Summit of the Americas, to be held in Santiago, Chile, in April 1998, and to express satisfaction that the timely topic of strengthening the judicial system and the administration of justice has been included on the agenda for that occasion.
 9. To convene a meeting of government experts, with support from the OAS, in Santiago, Chile, before February 28, 1998, to examine basic issues in the Justice Sector, with a view to incorporating their analysis into the work of the Summit of the Americas.
 10. To encourage the holding of regular meetings of ministers of justice or of ministers or attorneys general of the Americas, within the framework of the OAS and with technical support from the Organization's General Secretariat.
 11. To accept with gratitude the offer of the Government of Peru to serve as host for the Second Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, to be held during the second half of 1998, and to agree that the agenda for that meeting should be prepared within the OAS, with a focus on topics that are deemed to be priorities.
 12. To request the OAS to provide the financial resources necessary for carrying out the various recommendations issuing from this First Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas.
2. Second Summit of the Americas (Santiago, Chile, 1998)

In April 1998, a meeting of government experts was held to include basic justice-sector issues on the agenda for the Second Summit of the Americas held that month in Santiago, Chile.

The Heads of State and Government meeting at that Summit adopted a Plan of Action containing the following decisions pertaining to the "Strengthening of Justice Systems and Judiciaries":

1. Develop mechanisms that permit easy and timely access to justice by all persons, with particular reference to persons with low income, by adopting measures to enhance the transparency, efficiency and effectiveness of the courts. In this context, they will promote, develop and integrate the use of alternative methods of conflict resolution in the justice system.

2. Strengthen, as appropriate, systems of criminal justice founded on the independence of the judiciary and the effectiveness of public prosecutors and defense counsels, recognizing the special importance of the introduction of oral proceedings in those countries that consider it necessary to implement this reform.

3. Step up efforts to combat organized crime, and transnational crime, and, if necessary, foster new laws and international conventions, as well as procedures and mechanisms for continuing to combat these scourges.

4. Adapt legislation and proceed, as soon as possible, with necessary institutional reforms and measures to guarantee the comprehensive protection of the rights of children and youths to meet the obligations established under the United Nations Convention on the Right of the Child and other international instruments.

5. Adopt as appropriate a clear distinction between procedures and consequences of violations of criminal law and measures established to protect children and youths whose rights are threatened or violated, and will promote social and educational measures to rehabilitate young offenders.

6. Foster the establishment and strengthening of specialized tribunals or courts for family matters, as appropriate, and in accordance with their respective legal systems.

7. Expedite the establishment of a justice studies center of the Americas, which will facilitate training of justice sector personnel, the exchange of information and other forms of technical cooperation in the Hemisphere, in response to particular requirements of each country. To this end, they request the Ministers of Justice or other competent authorities to analyze and define the most suitable actions for the organization and establishment for such a center.

8. Promote, in accordance with the legislation of each country, mutual legal and judicial assistance that is effective and responsive, particularly with respect to extraditions, requests for the delivery of documents and other evidentiary materials, and other bilateral or multilateral exchanges in this field, such as witness protection arrangements

9. Support the convening of periodic meetings of Ministers of Justice and Attorneys General of the Hemisphere within the framework of the Organization of American States (OAS).

The latter initiative was subsequently endorsed by the General Assembly of the Organization of American States in June 1998.

3. Dialogue on the Topic of Administration of Justice in the Americas, General Assembly of the OAS (Caracas, Venezuela, June 1998)

At the twenty-eighth regular session of the General Assembly (Caracas, Venezuela, June 1998), the President of the Assembly, Miguel Angel Burelli Rivas, Minister of Foreign Affairs of Venezuela, presented a summary of the dialogue on the topic of the administration of justice in the Americas, which contained the following ideas:

- The administration of justice has become a top priority issue.
- Politicization of the judicial system has been identified as a major problem.
- The main objectives are: real separation of powers and a depoliticized and efficient judicial system.
- Administration of justice is to be conceived as an inalienable responsibility of States.
- Nonetheless, it is accepted that the OAS can play an important part in supporting the creation and promotion of better judicial systems, at both the national and international level.
- It was pointed out that the OAS must find a sphere of action that is in tune with current needs and in keeping with the Organization's abilities and resources.
- That sphere of action must involve substantive issues (trade legislation) and real follow-through.
- Subject to the availability of resources, among the many specific tasks suggested for the OAS were:
 - Having a working group draw up a strategic plan
 - Creation of an Inter-American Studies Center
 - Evaluation of international cooperation instruments
 - On-going support for meetings of Ministers of Justice
 - Exchanges of information regarding training in the judiciary
 - Expanding the jurisdiction of the Inter-American Court of Human Rights

At that session, the General Assembly adopted resolution AG/RES. 1481 (XXVII-O/97), "Enhancement of the Administration of Justice in the Americas," in which it resolved, inter alia, to receive with satisfaction the report of the Permanent Council on the enhancement of the administration of justice in the Americas.

4. Second Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas (Lima, Peru, March 1999)

Bearing in mind the report of the Permanent Council and the final report of the Meeting of Ministers of Justice, held in Buenos Aires, Argentina, in resolution AG/RES. 1562 (XXVIII-O/98)^{1/} the General Assembly resolved to convene the Second Meeting of Ministers of Justice or Ministers or Attorneys General of the Americas.

In addition, at its meeting on November 10, 1998, the Council approved resolution CP/RES. 737 (1176/98), which established March 1-3 as the dates for the above-mentioned meeting.

At its meeting on October 9, 1998, the Committee on Juridical and Political Affairs took note of the draft agenda, submitted by the Permanent Mission of Peru, for the Second Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas. As agreed, the Chair of the Committee referred the draft agenda for consultation by the governments of member states.^{2/}

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1. REMJA/doc.33/97 "Final Report of the Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas."
 2. CP/CAJP-1043/98 "Draft Agenda of the Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas."

Accordingly, the Permanent Council, having seen the report of the Committee on Juridical and Political Affairs,^{3/} adopted the following agenda for the Second Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, at its meeting of December 11, 1998, by way of resolution CP/RES. 739 (1179/98):

DIALOGUE OF MINISTERS OF JUSTICE OR OF MINISTERS OR ATTORNEYS GENERAL OF
THE AMERICAS AND/OR HEADS OF DELEGATION

Topic for discussion: Modernization and strengthening of the justice systems in the Americas:
exchange of experiences, new developments, and courses of action at the
national and international levels

AGENDA

1. Access to justice
 - 1.1. Legal aid and defense services
 - 1.2. Initiatives for the legal protection of minors
 - 1.3. Incorporation of alternative conflict settlement methods in national administration-of-justice systems
2. Training of judges, prosecutors, and judicial officials
 - 2.1. Experiences acquired in basic, advanced, and specialized training of judiciary personnel
 - 2.2. Mechanisms to promote judicial independence and the effectiveness of public prosecutors or attorneys general
 - 2.3. Creation of a center for judicial studies in the Americas
3. Prison and penitentiary policy
 - 3.1. Modernization of the sector and the improvement of new legal frameworks
 - 3.2. New developments in criminal procedure
 - 3.3. Regional cooperation mechanisms
4. Strengthening and developing inter-American cooperation
 - 4.1. Fighting organized crime and transnational crime, including cyber-crime (domestic legislation, degree of effective application and implementation of international instruments in this area, procedures, and national experiences, etc.)

3. CP/CAJP/1432/98 "Draft Agenda of the Second Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas."

- 4.2. Legal and judicial cooperation (inter-American treaties; other mechanisms; extradition; information sharing; submission of documents and other types of evidence; witness protection agreements, etc.)

5. Conclusions and recommendations

The Second Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas was held on the dates set by the Permanent Council, in March 1999, in Lima, Peru. At the conclusion of its discussions of the various items on the agenda, the Second Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas convened under the aegis of the OAS reached the following conclusions and recommendations:

- I. Access to Justice

- A. To continue with the exchange of experiences regarding measures and initiatives adopted at the domestic level, as well as progress achieved and obstacles encountered by the OAS member states in relation to the problem of access to justice in their respective countries; improvement of legal aid and defense services; legal protection of minors; and incorporation of alternative dispute resolution methods in national administration-of-justice systems.
- B. To further those ends, clear identification will be made of the applicable cooperation mechanisms in these areas, and the following actions, inter alia, undertaken: compilation of the legislation in force regarding these matters, with a view to creating a database; comparative studies; and preparation of a list of countries and institutions that are in a position to provide international cooperation in these areas.

- II. Training of judges, prosecutors, and judicial officials

- A. Justice Studies Center for the Americas

With a view to the establishment of the Justice Studies Center envisioned in the Plan of Action of the Second Summit of the Americas; and taking into account the different legal systems in the Hemisphere, it is decided:

1. That the objectives of the center will be to facilitate:
 - a. The training of justice sector personnel;
 - b. The exchange of information and other forms of technical cooperation;
 - c. Support for the reform and modernization of justice systems in the region.

2. That a group of government experts, open to participation by all delegations, will be formed to:
 - a. Prepare draft by-laws;
 - b. Prepare a work plan;
 - c. Identify public and/or private institutions working in this area;
 - d. Establish appropriate links with international organizations in order to secure the necessary technical support for the Center's operations.
3. That the Center's work plan, in the initial phase, will focus on criminal justice matters.
4. That the group of experts shall conclude its work before September 21, 1999.
5. To request that the OAS provide the necessary support for the work of the group of experts.

B. Regional courses, workshops, and seminars

To continue to cooperate with the General Secretariat by organizing regional or subregional courses, workshops, and seminars to train and develop the legal skills of officials in charge of the justice system in the OAS member states in collaboration with international or national, governmental or nongovernmental institutions.

III. Strengthening and developing inter-American cooperation

A. To strengthen international cooperation, in the framework of the OAS and other institutions, in areas of special concern, such as the struggle against terrorism, combating corruption, money laundering, drug trafficking, forgery, illicit trafficking in firearms, organized crime, and transnational criminal activity.

B. Cyber-Crime

Because of the importance and difficulty of the issues presented by cyber-crime, and the spread and potential magnitude of the problems it poses for our countries, it is recommended to establish an intergovernmental expert group, within the framework of the OAS, with a mandate to:

1. complete a diagnosis of criminal activity which targets computers and information, or which uses computers as the means of committing an offense;
2. complete a diagnosis of national legislation, policies and practices regarding such activity;
3. identify national and international entities with relevant expertise; and

4. identify mechanisms of cooperation within the inter-American system to combat cyber-crime.

The intergovernmental expert group should present a report to the Third Meeting of Ministers of Justice or Ministers or Attorneys General of the Americas.

- C. To continue working in an effective and flexible manner to strengthen mutual legal and judicial assistance among the OAS member states, particularly with respect to extradition, requests for delivery of documents and other forms of evidence and the establishment of secure and prompt channels of communications between central authorities.
- D. To evaluate the application of inter-American conventions in force in the area of legal and judicial cooperation, in order to identify measures for their effective implementation or, if appropriate, to determine whether the existing legal framework in the hemisphere should be changed.
- E. To urge OAS member states that are parties to treaties for legal and judicial cooperation to appoint Central Authorities where they have not yet done so, to ensure the effective implementation of these treaties.
- F. To recommend that the OAS convene a meeting of central authorities in due course to strengthen cooperation among those authorities in relation to the various conventions on the subject of legal and judicial cooperation.
- G. Extradition, forfeiture of assets, and mutual legal assistance. Recognizing the need to strengthen and facilitate legal and judicial cooperation in the Americas with regard to extradition, forfeiture of assets and mutual legal assistance, and to enhance individual and international efforts against organized crime and transnational criminal activity through improved intergovernmental communication and understanding, we commit ourselves to exchange information, through the OAS, on the following matters in order to deal with them at the Third Meeting of Ministers:
 1. Extradition “checklists”, glossaries of commonly-used legal terms, and similar instruments of simplified guidance and explanation on extradition and related processes;
 2. Sample forms for intergovernmental requests for mutual legal assistance;
 3. Instructional materials on the best methods for securing bilateral and international assistance in the area of forfeiture of assets.

In order to facilitate this work, we will immediately begin to compile a list of contact points for information on extradition, mutual legal assistance, and forfeiture of assets.

IV. Prison and penitentiary policy

To reiterate the need to promote the exchange of national experience and technical cooperation in prison and penitentiary policy matters within the framework of the OAS.

5. Third Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas (San José, Costa Rica, March 2000)

The Ministers of Foreign Affairs and Heads of Delegation gathered at the twenty-ninth regular session of the General Assembly, after considering the Plan of Action of the Second Summit of the Americas and the conclusions and recommendations adopted by the Second Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, held in Lima, Peru, in March 1999 (CP/doc. 3186/99), decided in resolution AG/RES. 1615 (XXIX-O/99) to convene the Third Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas.

The Permanent Council, in resolution CP/RES. 766 (1222/00), adopted the following agenda for REMJA-III:

1. Election of the chair
2. Election of the vice chairs
3. Adoption of the draft agenda and draft schedule
4. Follow-up on the conclusions and recommendations of the Meetings of Ministers of Justice or of Ministers or Attorneys General of the Americas:
 - a. Justice Studies Center of the Americas
 - b. Cyber-crime
 - c. Extradition, forfeiture of assets, and mutual legal assistance
5. Report of the Board of Directors of the Justice Studies Center of the Americas pursuant to the second transitory provision of the Statutes of the Center.
6. Headquarters of the Center
7. Prison and penitentiary policy:
 - All aspects of health in prisons
(Health care, communicable diseases, sexually transmitted diseases, AIDS, drug use, etc.)
8. Access to justice:
 - Alternative conflict resolution
 - Other mechanisms
9. Conclusions and recommendations

The deliberations of REMJA-III resulted in the conclusions and recommendations given below:

Conclusions and Recommendations

At the close of discussion on the various agenda items, the Third Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, convened in the framework of the OAS by resolution AG/RES. 1615 (XXIX-O/99), approved the following conclusions and recommendations, to be presented, through the Permanent Council of the OAS, to the General Assembly at its thirtieth regular session.

1. Cyber-crime

The Third REMJA, mindful of the recommendations made by the Group of Government Experts on Cyber-Crime that met at OAS headquarters in May and October, 1999, urges member states of the OAS to:

- Identify one or more agencies within their country that will have primary authority and responsibility to investigate and prosecute cyber-crime;
- Take steps to enact legislation covering cyber-crime, if they have not already done so;
- Make every effort to harmonize their laws on cyber-crime in such a way as to facilitate international cooperation in preventing and combating these illicit activities;
- Determine their training needs in the area of cyber-crime and explore bilateral, regional, and multilateral cooperation mechanisms to meet those needs;
- Consider the possibility of becoming members of the 24-Hour/7-Day a Week Point of Contact Group, or participating in other existing mechanisms for cooperation or the exchange of information in order to initiate or receive information;
- Take steps to heighten awareness of this issue among the general public, including users in the education system, the legal system, and the justice system regarding the need to prevent and combat cyber-crime;
- Consider various measures, including setting up a Voluntary Specific Fund, to support efforts to expand cooperation on this matter in the Hemisphere;
- Promote, in the framework of the OAS, the exchange of information on cyber-crime and dissemination of information regarding activities in this field, including the OAS Web page on the subject;
- Ensure follow-up to the implementation of the recommendations of the Group of Government Experts in the framework of the OAS, taking into account the need to prepare guidelines to orient national efforts in the field of cyber-crime through, for

instance, the development of model legislation or other pertinent legal instruments and training programs.

2. Extradition and mutual legal assistance

The Third REMJA welcomes the progress achieved in complying with the recommendations made at the Second REMJA, especially with regard to presentation of information on points of contact, checklists of requirements for extradition, standard forms for requesting mutual legal assistance, and glossaries of legal terms.

In this connection, it:

- Urges member states of the OAS that have not already done so to present the information requested as soon as possible in order to permit a comprehensive assessment of the situation in the Hemisphere with regard to this topic;
- Invites the OAS to disseminate that information through its web page;
- Encourages member states of the OAS to provide, in addition to the information already presented, material on the way extradition requests are handled by their executive and judicial branches;
- Emphasizes the need to promote heightened awareness among members of the legislative and judicial branches regarding their responsibility with respect to extradition;
- Resolves to strengthen cooperation and mutual confidence in this field by establishing an information network composed of competent authorities and mandated to prepare specific recommendations in the area of extradition and mutual legal assistance for consideration by said authorities prior to plenary session of the Fourth REMJA. That network, fed by data from the different legal systems in the Hemisphere, should rely as far as possible on electronic communications media, especially the Internet;
- Exhorts member states of the OAS that have not already done so to consider the possibility of ratifying or acceding to inter-American conventions on juridical and judicial cooperation.

3. Prison and penitentiary policy: all aspects of health in prisons

Bearing in mind the importance of all aspects of health in prisons, the Third REMJA:

- Invites member states of the OAS to seek ways to reduce overcrowding in prisons, making use, *inter alia*, of alternatives to imprisonment;
- Urges governments to share experiences acquired in their prison systems with respect to all aspects of the health of the prison or former prison population in order to prevent the spread of HIV/AIDS, STDs, addictions and prison violence;

- Invites member states of the OAS to cooperate in the development of projects to train personnel in this area, with the support of international and national organizations, whether governmental or nongovernmental;
- Requests member states of the OAS to monitor, with the help of experts in the field, the subject of all aspects of health in prisons, with a view to identifying common problems and promoting cooperation and exchanges of information and experience;
- Invites member states of the OAS with the relevant experience to share information regarding the participation of private enterprises in the construction and/or management of penitentiaries, with a view to exploring new options for improving prison systems.

4. Access to Justice: Alternative Conflict Resolution and Other Mechanisms

With a view to improving systems for the administration of justice, the Third REMJA:

- Reiterates its commitment to improve access to justice for the inhabitants of member states of the OAS through the promotion and use of alternative methods of conflict resolution and to provide flexible and expeditious judicial and extrajudicial means of conflict resolution that will contribute to democratic development;
- Urges member states of the OAS with experience in this field to offer their cooperation in developing and fostering these alternative mechanisms;
- Recommends that, as part of the legal cooperation activities being carried out by the General Secretariat of the OAS, an effort be made to develop and implement cooperation programs designed to encourage recourse to alternative conflict resolution methods, in coordination with agencies active in this field in the countries of the Americas;
- Urges member states of the OAS to promote, in accordance with their respective laws, the incorporation into educational programs of material encouraging the use of dialogue, negotiation, mediation, and other methods of dispute resolution that are designed to strengthen peaceful coexistence and further a culture of peace and human rights;
- Resolves to continue consideration of the topic of alternative dispute resolution in the framework of the OAS, in order to foster the exchange of experience and other cooperation among the member states of the OAS.

5. Justice Studies Center of the Americas

The Third REMJA:

- Welcomes the establishment of the Justice Studies Center of the Americas; the adoption of its Statute; and the election of its Board of Directors by the General Assembly of the OAS, fulfilling a mandate of the Second Summit of the Americas;
- Takes note of the recommendations contained in the Report of the First Meeting of the Board of Directors, held in Washington, D. C. on February 24 and 25, 2000;
- Decides that the site for the Justice Studies Center of the Americas be Santiago, Chile, exercising the authority assigned to the REMJA under the Statute of the Center and bearing in mind the recommendation made by the Board of Directors. The Third REMJA thanks the governments of Argentina, Peru, the Dominican Republic, and Uruguay for their offers to provide a site for the Center and invites them to contribute their experience and technical skills in supporting the work entrusted to the Center. The Third REMJA recognizes the role that institutions such as that proposed by the Government of Argentina and other governments may play in this regard;
- Urges the member states and Permanent Observers of the OAS to contribute voluntary funds to finance the Center's activities, in accordance with the provisions of Article 17 of the Statute of the Justice Studies Center of the Americas;
- Encourages the Board of Directors to proceed with preparation of its rules of procedure; early signature of a Headquarters Agreement with the Government of Chile; preparation of a draft work plan for the Center; and appointment of its Executive Director;
- Requests that the General Assembly of the OAS approve the appointment of the person proposed by the Board of Directors as Executive Director of the Center, pursuant to Article 6 of the Statute of the Center in order to ensure that it can begin activities as soon as possible;
- Invites the Board of Directors to give due consideration to the conclusions and recommendations of the Third REMJA in developing the Center's work plan and its activities, as provided for in Article 12 of its Statute.

6. Fourth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas (Port of Spain, Trinidad and Tobago, 2002)

The General Assembly of the Organization of American States (OAS), at its thirty-first regular session, in San José, Costa Rica, mindful of the agreements reached by the Heads of State and Government in the Plan of Action of the Third Summit of the Americas, adopted resolution AG/RES. 1781 (XXXI-O/01), in which it resolved to convene the Fourth Meeting of Ministers of Justice or of Ministers of Attorneys General of the Americas instructed the Permanent Council of the OAS to prepare the agenda and preliminary documents and to set the date for the meeting.

At its meeting of February 13, 2002, after listening to the presentation by Mr. Mackisack Logie, Alternate Representative of the Permanent Mission of Trinidad and Tobago, on the report of

the Special Group on Justice concerning the draft agenda and draft schedule for REMJA-IV, as well as the observations of the delegations regarding those drafts, the Permanent Council approved the following draft agenda:

DIALOGUE OF HEADS OF DELEGATION

Topic: "Legal and Judicial Cooperation in Fighting Transnational Organized Crime and terrorism"

1. Mutual Legal Assistance
 - 1.1. Agreements on legal and judicial cooperation in the Americas: Applicability, implementation, and improvement of cooperation instruments at the inter-American level
 - 1.2. Extradition
 - 1.3. International cooperation for the repatriation of illegal funds derived from corruption
 - 1.4. Information exchange network
2. Improving the administration of justice
 - 2.1. Access to justice: Alternative means of conflict resolution and other mechanisms
 - 2.2. Penitentiary and prison policy
3. Cyber-crime
4. Report of the Justice Studies Center of the Americas
5. Recommendations

The Fourth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas was held from March 10 to 13, 2002, in Trinidad and Tobago. The Meeting was chaired by the Honorable Senator Glenda Morean, Attorney General of the Republic of Trinidad and Tobago. Mrs. Elizabeth Süssekind, National Secretary of Justice of Brazil, and Mr. Martin Cauchon, Minister of Justice and Attorney General of Canada, were elected First Vice President and Second Vice President, respectively.

The Meeting decided to install the Working Group and charged it with preparing the draft recommendations of REMJA-IV and the draft agenda for REMJA-V. The plenary of the Meeting elected Mr. Mackisack Logie, of Trinidad and Tobago, as Chair of the Working Group.

As the final item on its agenda, the Fourth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas adopted the following conclusions and recommendations, for submission, through the Permanent Council, to the General Assembly at its thirty-fourth regular session:

I. LEGAL AND JUDICIAL COOPERATION IN FIGHTING TRANSNATIONAL ORGANIZED CRIME AND TERRORISM

The damage caused and the threat posed by the different types of transnational organized crime and terrorism, both to our democracies and to the economic and social development of our states, make it necessary and urgent to strengthen and enhance mutual legal and judicial cooperation at the hemispheric level.

In this regard, REMJA-IV agrees to initiate a process aimed at the adoption of a hemispheric Plan of Action in the area of mutual legal and judicial cooperation in order to join forces to combat the various manifestations of transnational organized crime and terrorism, in keeping with the commitment made by the Heads of State and Government at the Third Summit of the Americas.

To that end, REMJA-IV recommends:

1. That states that have not yet done so take the following necessary measures, as soon as possible, in order to:
 - a) Sign and ratify, ratify, or accede to, as appropriate, the inter-American treaties on legal and judicial cooperation in criminal matters, including the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials; the Inter-American Convention on Mutual Assistance in Criminal Matters; the Inter-American Convention on Extradition; and the Inter-American Convention against Corruption.
 - b) Sign and ratify, ratify, or accede to, as appropriate, the United Nations Convention Against Transnational Organized Crime and the Protocols thereto.
 - c) Establish necessary domestic measures for the effective use of the aforementioned international instruments.
 - d) Appoint their respective central authorities for the inter-American treaties on mutual legal and judicial cooperation in criminal matters.
 - e) Respond to the questionnaire prepared by the OAS General Secretariat relating to the Inter-American treaties on legal and judicial cooperation in criminal matters.
2. That the states continue to participate actively in the work of the Inter-American Committee against Terrorism (CICTE) and in the negotiation process for an inter-American convention in this area, paying special attention to the need to strengthen mechanisms for hemispheric cooperation and considering the link between transnational organized crime and terrorism.

3. That the OAS General Secretariat conclude, on the basis of the information provided by the states, studies on the obstacles they encounter both to signing, ratifying, acceding to, and implementing the inter-American treaties on legal and judicial cooperation in criminal matters and to making mutual legal assistance in countering the different types of transnational organized crime more effective, flexible, timely, and efficient.
4. That, in the framework of the work of the Special Group of the OAS Permanent Council entrusted with implementing the REMJA recommendations, a group of governmental experts in the area of mutual legal and judicial cooperation in criminal matters be convened as soon as possible, including the central authorities for the inter-American treaties on legal and judicial cooperation in this area, with the mandate of drawing up a proposed hemispheric Plan of Action to consolidate and enhance mutual legal and judicial cooperation in combating the various manifestations of transnational organized crime and terrorism. The said proposal will be submitted to REMJA-V for consideration and approval.

In the formulation of the proposed Plan of Action, the following points, *inter alia*, should be taken into account:

- a) The proposal should be comprehensive in nature and refer to all aspects needed to consolidate and enhance mutual legal and judicial cooperation in combating the various forms of transnational organized crime and terrorism, specify the measures that should be promoted or adopted in each case, and define related goals to allow for periodic follow-up to the progress made in achieving them.
- b) The progress made in this field, the actions taken in the REMJA process, and those taken or being promoted in specific areas in the framework of other organs or intergovernmental meetings at the hemispheric level, such as CICTE, the Consultative Committee of the Inter-American Convention against the Illicit Manufacture of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA), and the Follow-up Mechanism of the Inter-American Convention against Corruption.
- c) The progress made in this area both in the United Nations and in subregional organizations, for example the CARICOM Ministerial Consultation on the United Nations Convention Against Transnational Organized Crime and the protocols thereto, and the CARICOM High-Level Meeting on Drugs and Crime, both held in Port-of-Spain at the end of 2001.
- d) The necessity and advisability of moving toward an improved information exchange network for mutual legal assistance in criminal matters, as a basic part of a strategy for hemispheric cooperation in this area.
- e) The importance of incorporating as a part of the Plan of Action, technical and financial support programs, training programs, the exchange of experiences,

and other forms of cooperation that will allow for the full participation of all states.

- f) The importance of considering the social scope of justice with a view to strengthening mutual legal and judicial cooperation and making it more effective.
 - g) The advisability of improving mechanisms for extradition in the Hemisphere, including consideration of the adoption of temporary extradition, as appropriate under national law, in order to avoid impunity.
 - h) The advisability of adopting the necessary domestic legislative measures to ensure the seizure of assets and the return of funds obtained illegally as a result of corruption, as well as strengthening means of communication on this topic between the OAS and the UN in order to avoid a duplication of efforts.
5. That the OAS General Secretariat organize a cooperation program for promoting the ratification and implementation of the Inter-American Convention against Corruption in those Caribbean states that have not yet done so.

II. INFORMATION EXCHANGE NETWORK FOR MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

Taking into account the usefulness and importance of a hemispheric mutual legal assistance network, as well as the mandates of the Third Summit of the Americas and resolution AG/RES. 1781 (XXXI-O/01) of the OAS General Assembly, REMJA-IV recommends:

- 1. That the Working Group, made up of Argentina, The Bahamas, Canada, and El Salvador, with the support of the OAS General Secretariat, continue its activities so that said network may extend to all countries of the Americas.
- 2. That the network gradually incorporate useful information on areas related to mutual legal assistance in criminal matters.
- 3. That further consideration be given to the idea of creating a secure private network for use by authorized government officials from the American states.
- 4. That a meeting of central authorities and other experts be held in the area of mutual legal assistance with the following objectives:
 - a) To consider various useful alternatives for expanding the information exchange network.
 - b) To analyze the challenges that all OAS member states have to encounter with regard to mutual legal assistance and to propose solutions.

5. That the offer by the Government of Canada to host the meeting of central authorities and other experts, referred to in the previous paragraph, be accepted.

III. IMPROVING THE ADMINISTRATION OF JUSTICE

With regard to the areas considered at this meeting concerning the improvement of the administration of justice, REMJA-IV recommends:

That a register of alternative means of conflict resolution be established at the inter-American level that will refer to the services provided by governmental and nongovernmental centers, as well as programs dealing with the topic in the Hemisphere.

That the Justice Studies Center of the Americas (JSCA) compile the information in said register and disseminate the alternative means of conflict resolution used in different countries in order to promote the adoption of these mechanisms in national legislations.

That, in the framework of the OAS, a meeting be convened of officials responsible for the penitentiary and prison policies of the OAS member states for the purpose, *inter alia*, of promoting the exchange of information and experiences among them regarding the formulation, development, and evaluation of public policies in this field, including the proposal to set up a permanent information exchange network in this area through the Internet.

IV. CYBER-CRIME

REMJA-IV recommends:

1. That the states complete the questionnaire prepared by the OAS General Secretariat in order to assess the progress made and with a view to implementing as soon as possible the recommendations drawn up by REMJA-III on the fight against cyber-crime.
2. That, in the framework of the activities of the OAS working group to follow up on the REMJA recommendations, the Group of Governmental Experts on Cyber-Crime be reconvened and given the following mandate:
 - a) To follow up on implementation of the recommendations prepared by that Group and adopted by REMJA-III, and
 - b) To consider the preparation of pertinent inter-American legal instruments and model legislation for the purpose of strengthening hemispheric cooperation in combating cyber-crime, considering standards relating to privacy, the protection of information, procedural aspects, and crime prevention.

V. JUSTICE STUDIES CENTER OF THE AMERICAS

REMJA-IV recommends:

1. Expressing its satisfaction that the Justice Studies Center of the Americas (JSCA) has successfully launched its activities and is carrying out major projects to support the modernization of justice in the region, and welcoming the 2001 Annual Report and the 2002 Work Plan presented by JSCA.
2. Requesting JSCA to provide technical studies to the meeting of governmental experts on mutual legal and judicial cooperation in criminal matters, taking into account its consultations with the different actors in this field.
3. Urging JSCA to make available to the Network on Mutual Legal Assistance in Criminal Matters the work that is being done with institutions in the judicial sector associated with it, and to make necessary efforts to cooperate with the Network as efficiently as possible.
4. Reaffirming the need for various states of the region to support the work of JSCA by making the necessary voluntary contributions as soon as possible to allow the institution to carry out its mandate.
5. Requesting JSCA to provide training to the OAS member states within its mandate and the framework of available financial resources.
6. Urging the multilateral financing institutions to support implementation of the initiatives of this meeting.
7. Fifth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas (Washington, D.C., United States, 2004)

At its thirty-third regular session held in Santiago, Chile, the General Assembly of the Organization of American States adopted resolution AG/RES. 1924 (XXXIII-O/03), in which it convened the Fifth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas and instructed the Permanent Council to prepare the agenda and preliminary documents and set the date for that meeting. Accordingly, by resolution CP/RES. 856 (1395/04) the Permanent Council decided “to set April 28 to 30, 2004, as the dates for the Fifth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA-V), to be held at OAS headquarters in Washington, D.C., United States of America,” and at its meeting of April 7, 2004, it approved the following agenda:

DIALOGUE OF HEADS OF DELEGATION

Topic: Toward a hemispheric plan of action for mutual legal and judicial cooperation in fighting terrorism and transnational organized crime.

1. Hemispheric cooperation in fighting terrorism and transnational organized crime.
 - 1.1 Presentation by the delegation of Mexico on the Declaration on Security in the Americas and its relation with REMJA issues.
 - 1.2 Presentations by CICAD, CICTE, and CIFTA on follow-up to relevant REMJA-IV recommendations.
2. Mutual legal assistance in criminal matters and extradition.
 - 2.1 Report of the Meeting of Central Authorities and other Experts in Mutual Legal Assistance in Criminal Matters.
 - 2.2 Hemispheric Information Exchange Network for Mutual Legal Assistance in Criminal Matters. Installation and adoption of the Network.
 - 2.3 Extradition. The advisability of improving mechanisms for extradition in the Hemisphere, including consideration of the adoption of temporary extradition, as appropriate under national law, in order to avoid impunity.
 - 2.4 Harmonization of Criminal Law and international Cooperation Procedures
3. Hemispheric cooperation on penitentiary and prison policy.
 - 3.1 Report on the First Meeting of Officials Responsible for the Penitentiary and Prison Policies of the OAS Member States.
4. Hemispheric cooperation in fighting cyber-crime:
 - 4.1 Report on the Third Meeting of the Group of Governmental Experts on Cyber-crime.
 - 4.2 Discussion on hemispheric cooperation in the establishment of agile mechanisms for the fight against cyber-crime.
5. Corruption: Follow-up on the commitments undertaken in the Declaration of Nuevo León.
6. Traffic in persons, especially in women and children: definition of the offense at the national level, fulfillment of international commitments, and measures to increase hemispheric cooperation.
7. Presentation by the Inter-American Commission of Women (CIM) on the issue of violence against women.
8. Report of the Justice Studies Center of the Americas.

9. Consideration and adoption of the recommendations.
10. Site of REMJA VI.

Having concluded its deliberations on the various items on its agenda, the Fifth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA-V) approved the following Conclusions and Recommendations for transmission, through the Permanent Council, to the General Assembly of the OAS at its thirty-fourth regular session:

I. HEMISPHERIC COOPERATION AGAINST TRANSNATIONAL ORGANIZED CRIME AND AGAINST TERRORISM

REMJA-V reaffirms that the damage caused and the threat posed by the different types of transnational organized crime and terrorism, to our citizens and to our democracies and to the economic and social development of our states, make it necessary and urgent to continue to strengthen and enhance mutual legal and judicial cooperation at the hemispheric level, as well as to enact laws, procedures, and new mechanisms, if they have not done so, to enable them to combat these crimes effectively.

In this connection, it underscores that the Declaration on Security in the Americas, adopted in Mexico City on October 28, 2003, states that terrorism and transnational organized crime are part of the new threats, concerns, and other diverse challenges affecting the security of the states of the Hemisphere and reaffirms that “the Meetings of Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA) and other meetings of criminal justice authorities are important and effective fora for promoting and strengthening mutual understanding, confidence, dialogue, and cooperation in developing criminal justice policies and responses to address new threats to security.”

Considering that, although the international community has made progress in drawing up regulations to combat these forms of crime, differences persist in the way States criminalize this conduct, which can create obstacles for more effective international cooperation.

REMJA-V recognizes that it is advisable that the subject of transnational organized crime continue to be dealt with by the many bodies of the OAS as they have been doing in the framework of their respective competence, such as CICAD, the Consultative Committee of CIFTA, the CIM, the Inter-American Children’s Institute, REMJA, and MESICIC.

REMJA-V reaffirms that the measures carried out by the States Parties in combating terrorism shall take place with full respect for the rule of law, human rights, and fundamental freedoms, without undermining the rights and obligations of States and individuals in keeping with International Law, International Law on Human Rights and International law on Refugees.

REMJA-V expresses satisfaction that in the period following REMJA-IV, OAS Member States have taken significant steps to strengthen hemispheric implementation of United Nations counter-terrorism and transnational organized crime instruments in effectively addressing these crimes. In particular, during the interval between REMJA-IV and REMJA-V, numerous OAS Member States became Party to the 1999 Convention for the Suppression of the Financing of Terrorism, as well as earlier universal counter-terrorism instruments. Similarly, numerous OAS

Member States became Party to the 2000 United Nations Convention Against Transnational Organized Crime and its three Complementary Protocols or took substantial steps towards reaching this status. REMJA-V recognizes this notable progress to combat terrorism and transnational organized crime.

REMJA-V also notes with satisfaction that adherence to regional instruments addressing terrorism and organized crime has rapidly accelerated. The 2002 Inter-American Convention Against Terrorism has entered into force on July 10, 2003 and has been ratified by eight (8) Member States of the OAS; and the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Material (CIFTA) has been ratified by twenty-two (22) Member States of the OAS.

REMJA-V also expresses satisfaction at the progress made in strengthening and consolidating cooperation between the States of the Americas to combat terrorism, through the work of the Inter-American Committee against Terrorism (CICTE) and its national contact points.

At the same time, more work remains in crafting effective implementation of hemispheric and global counter-terrorism and organized crime standards, and we note with alarm the increase in terrorist attacks throughout the world and activities of other criminal organizations. Accordingly, we recommend that:

A. HEMISPHERIC COOPERATION AGAINST TRANSNATIONAL ORGANIZED CRIME

1. With respect to combating organized crime, Member States that have not yet done so sign and ratify, ratify, or accede to, as appropriate, and implement the following as quickly as possible:

- a) The United Nations Convention Against Transnational Organized Crime, the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, and the Protocol Against the Smuggling of Migrants by Land, Sea, and Air. We encourage Member States to complete their internal processes for determining whether to sign and ratify the Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition.
- b) The Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Material (CIFTA), which, inter alia, sets forth an effective regime for criminalizing illicit arms trafficking that can aid the fight against organized crime and terrorist groups, as well as creating a mechanism for tracing illicitly trafficked weapons to their source.

2. Member States who are Party or signatory to the Transnational Organized Crime Convention and its two protocols in force, work together at the First Conference of the Parties, June 28 to July 9, 2003, to facilitate the successful application of these important international instruments.

3. To recommend to the General Assembly of the OAS that it convene a group of experts to consider the possibility of drawing up a Hemispheric Plan of Action against Transnational Organized Crime as an integrated plan that brings together the efforts that each area of the OAS has been making to address the problem's different aspects, in accordance with the Declaration on Security in the Americas.

4. That the Member States consider, when appropriate, harmonization of their respective legal frameworks with the obligations taken on in this matter. To this end, it is recommended that the General Assembly of the OAS instruct the Inter-American Juridical Committee to conduct a study on the afore-mentioned issue and that it report to the body that the General Assembly has assigned responsibility to consider the possibility of drafting the Hemispheric Plan of Action against Transnational Organized Crime.

5. That the Member States promote greater inter-relations between law enforcement authorities so they can decide on common lines of action in investigating and prosecuting these crimes.

6. Urge States to hold regional and national training seminars and workshops that refer to the different modalities of transnational organized crime.

B. HEMISPHERIC COOPERATION AGAINST TERRORISM

1. With respect to combating terrorism, Member States that have not yet done so sign and ratify, ratify, or accede to, as appropriate, and implement the following as quickly as possible:

- a) the twelve United Nations counter-terrorism conventions.
- b) the Inter-American Convention Against Terrorism.

2. Member States have sufficient ability to take law enforcement action with respect to situations in which a terrorist attack has not yet been carried out, and timely investigation and prosecution may prevent the carrying out of such attacks, and take immediate steps to provide for a sufficient ability to pursue and cooperate with each other in respect of such conduct.

3. Each Member State enhances its abilities to facilitate the sharing of information among security services and law enforcement agencies in order to prevent attacks and successfully prosecute terrorists in conformity with applicable national laws and international instruments.

4. In applying Article 7 of the Inter-American Convention against Terrorism, the Member States promote the broadest measures of cooperation, particularly measures to ensure effective cooperation among law enforcement agencies, immigration services, and related agencies, and improve their controls on travel and identity documents.

5. To take note of the work of the Inter-American Commission on Human Rights in the area of terrorism and human rights. It recommends that officials responsible for the development of anti-terrorism legislation continue to meet and exchange best practices and national experiences between them on this issue.

6. To recommend that Hemispheric Information Exchange Network for Mutual Legal Assistance in Criminal Matters include information on legislation, as appropriate, and anti-terrorist policies in force in the Member States.

7. To recommend that, in order to help in the prevention of acts of terrorism, measures must be taken to avoid discrimination against members of society.

II. MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS AND EXTRADITION

A. MEETING OF CENTRAL AUTHORITIES AND OTHER EXPERTS ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS:

REMJA-V recommends as follows:

1. To express its satisfaction at the Meeting of Central Authorities and Other Experts in Mutual Legal Assistance in Criminal Matters, held pursuant to the recommendations of REMJA-IV in Ottawa, Canada, from April 30 to May 2 2003, and to adopt in their entirety its recommendations, published in document OEA/Ser.K/XXXIV.5 REMJA-V/doc.4/04.

2. To support, in accordance with recommendation 6 of that meeting, the continued holding of meetings of the Central Authorities and other Experts on mutual legal assistance in criminal matters in the Hemisphere at least once between REMJAs, with the support and coordination of the Working Group on Mutual Legal Assistance, as well as consideration, at their next meeting, of both progress made in implementing the recommendation of the Ottawa meeting and, *inter alia*, the topics referred to in the aforementioned recommendation 6, according to an order of priorities that they define.

3. To decide that the next Meeting of Central Authorities and Other Experts start considering actions to build up hemispheric legal cooperation in the matter of extradition, including temporary extradition when appropriate in keeping with national legislation and to proceed with organizing the sections on mutual legal and judicial cooperation of a hemispheric plan of action to fight against transnational organized crime and terrorism, including measures of administration of cases by the requesting State so as not to overburden the requested State.

4. To decide that the next Meeting of Central Authorities and Other Experts shall continue building up and rendering more effective the mechanisms of mutual legal assistance in criminal matters, and hemispheric cooperation in the matter of extradition. To this end, the Meeting of Central Authorities and Other Experts will be able to request input from the following bodies regarding the areas of their competence: CICTE, CICAD, Consultative Committee of CIFTA, CIM, MESICIC, Inter-American Children's Institute, and the Inter-American Juridical Committee.

B. HEMISPHERIC INFORMATION EXCHANGE NETWORK FOR MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

In view of the usefulness and importance of the Hemispheric Information Exchange Network for Mutual Legal Assistance in Criminal Matters, REMJA-V recommends as follows:

1. To decide to adopt the Hemispheric Information Exchange Network for Mutual Legal Assistance in Criminal Matters and urge all Member States to implement its public component and disseminate among the most interested users.

2. That, since the network, under the leadership of a group consisting of Argentina, Bahamas (The), Canada, and El Salvador, and administered by the OAS General Secretariat, comprises data on all OAS Member States, information related to mutual legal assistance in criminal matters and extradition should continue to be posted on the public website.

3. That States that have not yet done so identify a contact person to provide and update the information made available via the network.

4. To express satisfaction towards the development of the MLA secure e-mail pilot project and recommends that all States take the appropriate measures to evaluate it and that it continue to operate and be expanded to cover other States.

5. To examine the possibility of exchanging information, in mutually interesting areas and methodologies, with the Virtual Prosecution Office of Latin America.

III. PENITENTIARY AND PRISON POLICIES

Given the importance and advisability of continuing and reinforcing the exchange of information and experiences as well as mutual cooperation with regard to penitentiary and prison policies, REMJA-V recommends as follows:

1. To express its satisfaction with the results and adopt the report of the First Meeting of the Group of Officials Responsible for the Penitentiary and Prison Policies of the OAS Member States (document OEA/Ser.K/XXXIV.5 REMJA-V/doc.6/04), held at OAS headquarters on October 16 and 17, 2003, in keeping with a REMJA-IV decision.

2. To support periodic meetings of officials responsible for the penitentiary and prison policies of the OAS member states and the establishment of an Internet information system on such policies, as recommended at the first meeting of the officials.

3. That the States, through their participation in the meetings of penitentiary and prison authorities, promote penitentiary strategies and policies, based on respect for human rights, and that contribute to reducing overcrowding in prisons. To this end, the States will promote modernization of prison infrastructure and extend the functions of rehabilitation and social integration of the individual, by improving conditions of detention and studying new penitentiary standards.

IV. CYBER-CRIME

Under this topic, REMJA-V recommends as follows:

1. To express its satisfaction with the results of the Initial Meeting of the Group of Governmental Experts on Cyber-Crime, held at OAS headquarters on June 23 and 24, 2003, in keeping with a REMJA-IV decision.

2. To adopt the recommendations of the Group of Governmental Experts (document OEA/Ser.K/XXXIV.5 REMJA-V/doc.5/04) and to ask it, through its Chair, to report to the next meeting of REMJA on the progress made regarding said recommendations.

3. To support consideration of the recommendations made by the Group of Governmental Experts at its initial meeting as the REMJA contribution to the development of the Inter-American Strategy to Combat Threats to Cybersecurity, referred to in OAS General Assembly resolution AG/RES. 1939 /XXXIII-O/03), and to ask the Group, through its Chair, to continue to support the preparation of the Strategy.

4. That international training on cyber-crime be provided to the States of the OAS that request it and that the States of the OAS in general consider the possibility of allocating resources to guarantee delivery of this training.

5. That the Member States participate in the technical meetings of the Group of Governmental Experts on Cyber-Crime so that future challenges can clearly be understood throughout the hemisphere.

6. That Member States, in the context of the expert group, review mechanisms to facilitate broad and efficient cooperation among themselves to combat cyber-crime and study, when possible, the development of technical and legal capacity to join the 24/7 network established by the G8 to assist in cyber-crime investigations.

7. To the extent possible, Member States ensure that differences in the definition of offenses do not impede the efficiency of cooperation through mutual legal and judicial assistance and extradition.

8. That Member States evaluate the advisability of implementing the principles of the Council of Europe Convention on Cyber-crime (2001); and consider the possibility of acceding to that convention.

9. That Member states review and, if appropriate, update the structure and work of domestic bodies, or agencies in charge of enforcing the laws so as to adapt to the shifting nature of cyber-crime, including by reviewing the relationship between agencies that combat cyber-crime and those that provide traditional police or mutual legal assistance.

V. CORRUPTION: FOLLOW-UP ON THE COMMITMENTS UNDERTAKEN IN THE DECLARATION OF NUEVO LEÓN

En las Declaraciones de Nuevo León y de la Ciudad de Québec, así como en anteriores REMJA, se reconoce la seriedad del problema de la corrupción en nuestras sociedades.

We note with approval that, since REMJA-IV, most Member States have signed the United Nations Convention Against Corruption and a number of additional Member States have become Party to the Inter-American Convention Against Corruption, but we today undertake to strengthen our efforts to effectively pursue corruption.

Accordingly, REMJA-V recommends that Member States:

1. That have not yet done so take measures as soon as possible that are necessary to reach the following objectives:

- a) Sign and ratify, ratify, or accede to, as appropriate, and implement the 2003 United Nations Convention Against Corruption.
- b) Sign and ratify, ratify, or accede to, as appropriate, and implement the 1996 Inter-American Convention Against Corruption.

2. Cooperate to strengthen the Follow-up Mechanism for the Implementation of the Inter-American Convention against Corruption, through practical measures to enhance its effectiveness, including to increase economic resources and develop human resources and speed up the evaluation process of the First Round.

3. Prior to REMJA-VI, each Member State, in conformity with its national laws and applicable international regulations, shall adopt domestic legal measures that deny safe haven to corrupt officials, to those who corrupt them, and their assets and shall exchange information on the measures they have adopted.

4. In conformity with national legislation and any international juridical instruments that are applicable, review their legal regimes to extradite and provide mutual legal assistance with respect to corruption offenses, including their abilities to provide for confiscation of assets proceeding from criminal activities on behalf of other countries that may have different modalities for obtaining confiscation, with a view to enhancing them.

5. Adopt such legislative and other measures, in accordance with fundamental principles of its domestic law, as may be necessary to enable its competent authorities to return confiscated property to the requesting State, in the case of embezzlement of public funds or of laundering of embezzled public funds.

6. We shall support the work of the meeting of the States Parties to the Inter-American Convention against Corruption that will be held in Managua, Nicaragua in July 2004, which should consider "additional concrete measures to increase transparency and combat corruption."

VI. TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN

Bearing in mind that the trafficking in persons is an offense against human dignity, which should be criminalized, prevented, and combated and whose victims are in a situation of vulnerability, which requires greater international attention and due assistance and protection to safeguard their human rights and for which, to reach these goals, integral cooperation of all the States is required.

Recognizing that there are many international instruments guaranteeing the protection of women, boys, girls and adolescents, such as the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, ILO Convention 182 concerning the Worst Forms of Child Labor, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, the Inter-American Convention on International Traffic in Minors, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

Bearing in mind that the Protocol to Prevent, Suppress and Punish the Trafficking in Persons, Especially Women and Children, complementary to the United Nations Convention against Transnational Organized Crime, specifies the actions that qualify trafficking in persons as a crime.

Determined to overcome obstacles in the fight against this transnational.

REMJA-V recommends the following:

1. That Member States that have not yet done so sign and ratify, ratify, or accede to, as appropriate, and implement the following as quickly as possible, the Protocol to Prevent, Suppress and Punish the Trafficking in Persons, Especially Women and Children, that complements the United Nations Convention against Transnational Organized Crime.

2. Encourage Member States to complete their internal processes for determining whether to sign and ratify:

- a) The Protocol against the Illicit Trafficking in Migrants by Land, Sea and Air, and
- b) The Inter-American Convention on International Traffic in Minors.

3. The holding of a meeting of national authorities in this matter, including the participation, *inter alia*, of the CIM, the IIN, the United Nations, the OIM, and other related international organizations for the purpose of studying integral cooperation mechanisms among the States to ensure protection of and assistance to the victims, the prevention of the crime, and the prosecution of its perpetrators. Likewise, the meeting will facilitate the exchange of information and experiences, political dialogue and cooperation between the countries of origin, transit and destination of the trafficking in persons, as well as the establishment or improvement of statistics records in this area.

4. To keep the topic of the Trafficking in Persons as an item on the agenda in future debates of REMJA.

VII. VIOLENCE AGAINST WOMEN

REMJA-V:

1. Urges Member States to complete their internal processes for determining whether to sign and ratify the Inter-American Convention on the Prevention, Punishment and Eradication Violence against Women (Convention of Belém do Pará).

2. Encourages the States Parties to the Inter-American Convention on the Prevention, Punishment and Eradication Violence against Women (Convention of Belém do Pará) to study the most appropriate manner establish the Convention's Follow-up Mechanism.

VIII. GENDER AND JUSTICE

REMJA-V, after having heard the presentation by the Inter-American Commission of Women (CIM), took note of the recommendations on gender and justice formulated to the REMJA-V by the Second Meeting of Women Ministers or Ministers or Top Authorities Responsible for Women's Policies in the Member States and refers them to the Member States for greater consideration.

IX. JUSTICE STUDIES CENTER OF THE AMERICAS (JSCA)

Pursuant to the mandates of the Second and Third Summits of the Americas, OAS resolution AG/RES.1 (XXVI-E/99), and the conclusions and recommendations of REMJA II and III, which led to the establishment of a Studies Center to contribute to improving the policies and institutional capacity of the region's justice systems.

And having heard the report of the Justice Studies Center of the Americas, REMJA-V decides:

1. To express its appreciation to the Board of Directors and the Executive Director for the leadership and initiative they have shown in guiding and developing the Center's initial work plans in the criminal justice area and giving concrete form to the vision of a regional center of justice sector expertise set forth by the Heads of State and Government in Santiago of Chile.

2. To congratulate the Center on the successful launch of websites and publications that are being widely consulted in the region, as well as on the drafting of an important comparative study of criminal procedure norms and practices in the region that should help improve justice system performance.

3. To express satisfaction at the efforts made to ensure participation by Member States in Center programs and activities, notwithstanding the diversity of interests and institutions involved and the limitations of funding.

4. To request that the Center, consistent with the objectives set forth in its Statute, include in its working plans the conclusions and recommendations of REMJA, toward which end the Member States shall provide the necessary resources.

5. To request the Center to organize a working group or process, including both the Member States and other donors, to develop for consideration by REMJA-VI a plan for funding the Center consistent with the mandate of the Third Summit of the Americas. This process shall be without detriment to the voluntary contributions that for this purpose the Member States should make, in accordance with the provisions of the Center's Statute, approved by the General Assembly of the Organization of American States.

6. To approve renewal of the Executive Director's term of office as agreed by the Board of Directors of the Center, in accordance with its Statute, in a regular session held on January 5, 2004 in Santiago de Chile.

7. To request the Center to continue supporting national efforts to strengthen domestic systems, with a view toward improving the national frameworks for cooperation and mutual legal assistance.

X. NEXT MEETING

REMJA-V recommends that the Sixth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA-VI) take place in 2006 and that the OAS General Assembly charge the Permanent Council of the OAS to set a date and site for REMJA-VI.

CHAPTER II

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

1. Inaugural session

The Sixth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas was officially opened on April 24, 2006 at 9:30 a.m. in the Office of the Attorney General of the Dominican Republic, in the city of Santo Domingo. Speaking at the opening session were Judge Francisco Domínguez Brito, Attorney General of the Dominican Republic, Ambassador Albert R. Ramdin, Assistant Secretary General of the OAS, and Mr. Rafael Albuquerque, Vice President of the Dominican Republic.

2. First Plenary Session

At 11:00 a.m. on April 24, 2006, Ambassador Miguel Ángel González Félix, Head of the Delegation of Mexico called the first plenary session of REMJA-VI to order, and presented a report on developments in the framework of the Meetings of Ministers of Justice since REMJA-V in 2004. Then, in keeping with the agenda approved by the Permanent Council of the OAS, the meeting then proceeded to elect its Chair.

a) Election of the Chair

On the motion of the Head of the Delegation of the United States, seconded by the Head of the Delegation of Peru, Judge Francisco Domínguez Brito, Attorney General of the Dominican Republic, was elected by acclamation as Chair of the Sixth Meeting of Ministers of Justice or Ministers or Attorneys General of the Americas.

b) Election of the Vice Chairs

On the motion of the Head of the Delegation of El Salvador, Mr. Alejandro Tudela Chopitea, Minister of Justice of Peru, was elected by acclamation as First Vice Chair of REMJA-VI.

Next, on the motion of the Head of the Delegation of Mexico, Mr. Alberto Novoa Espinoza, Attorney General of Nicaragua, was elected by acclamation as Second Vice Chair of REMJA-VI.

Finally, on the motion of the Head of the Delegation of the Dominican Republic, Mr. John Jeremie, Attorney General of Trinidad and Tobago, was elected by acclamation Third Vice Chair of REMJA-VI.

Once the officers of REMJA VI were elected, the Chair took up his post, thanked the delegations for electing him, and turned to the business of the meeting.

c) Adoption of the draft agenda and schedule

The Chair of the Meeting submitted to the Plenary the draft agenda and the draft schedule of REMJA-VI. Both were approved unanimously.

d) Installation of the Working Group

The Meeting decided to install the Working Group and entrusted it with preparation of the draft conclusions and recommendations of REMJA-VI.

In addition, on the motion of the Head of the Delegation of Guatemala, Ambassador Roberto Álvarez Gil, Permanent Representative of the Dominican Republic to the OAS was elected by acclamation as Chair of the Working Group.

e)

Proceedings

To initiate discussion of the first item on the agenda, the Chair of REMJA-VI offered the floor to Mr. Jorge García-González, Director of the Juridical Cooperation Office of the Department of International Legal Affairs of the General Secretariat of the OAS. Mr. García-González gave a short presentation on background and developments in the framework of the Meetings of Ministers of Justice or of Ministers or Attorneys General of the Americas. By way of introduction, he also presented the contents of the meeting agenda. At the conclusion of these remarks, the Chair left the floor open to the Delegations to make observations.

Having concluded this item, the Meeting went on to consider the second item on the agenda: Current status of the Draft Hemispheric Plan of Action against Transnational Organized Crime.

This item was presented by the Delegation of Mexico, specifically by the Chair of the Special Committee on Transnational Organized Crime (CEDOT) and Permanent Representative of Mexico to the OAS, Ambassador Alejandro García Moreno Elizondo.

Ambassador García Moreno referred to the progress in the negotiations on the Draft Hemispheric Plan of Action against Transnational Organized Crime. He also mentioned that the draft plan has been prepared bearing in mind the different recommendations and suggestions made by both experts and delegations during discussions on manifestations of transnational organized crime at the meetings of the Committee; the “Conclusions and Recommendations of the Meeting of Government Experts,” held on April 18 and 19, 2005; and the Palermo Convention and its three protocols: United Nations Convention against Transnational Organized Crime; Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children; Protocol against the Smuggling of Migrants by Land, Sea, and Air; and, the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition.

Finally, Ambassador García Moreno said that the Permanent Council of the OAS intended to conclude the negotiations on the draft plan before the end of the year.

After the presentation on this item, the Chair offered the floor to the Delegations and, when they had concluded their dialogue, suggested that the Plenary take note of all the remarks, in particular the recommendations made, and transmit them to the Working Group for due consideration.

3. Second Plenary Session

The second plenary session opened at 2:30 p.m., on April 24, to consider the third item on the agenda: Penitentiary and prison policies.

This item was addressed first by Mr. Jorge García González, who gave a short presentation on developments in the framework of the ministerial meetings in this area. He was followed by the Special Rapporteur of the IACHR, Mr. Florentín Meléndez, on the rights of persons deprived of their liberty in the Americas. The presentations concluded with Ms. María Verónica Baraona del Pedregal, Undersecretary of Justice of the Ministry of Justice of Chile, who spoke on concessions systems for prison infrastructure.

The presentations concluded, the Chair opened the floor to the Delegations, which agreed to continue to strengthen information exchange and cooperation among officials responsible for the penitentiary and prison policies of the OAS member states, and to strengthen information exchange on training programs, methodologies, and systems in the area of criminology and penitentiary and prison management. The Delegations also expressly concurred on the pressing need to convene as soon as possible and before REMJA-VII, the Second Meeting of Officials Responsible for the Penitentiary and Prison Policies of the OAS Member States.

When the Delegations finished their observations, the Chair suggested that the Plenary take note of their remarks, in particular the recommendations made, and transmit them to the Working Group for due consideration.

Next, the Plenary turned its attention to item 4 on the agenda: Hemispheric cooperation against cyber-crime.

This item was presented by the Chair of the Fourth Meeting of the Group of Governmental Experts on Cyber-Crime, Mr. Howard Cox, member of the Delegation of the United States, who reported that the meeting was held at OAS headquarters on February 27 and 28, 2006.

When Mr. Cox concluded his participation, the Chair offered the floor to Mr. Guy de Vel, Director General of Legal Affairs of the Council of Europe, who referred to cooperation between the OAS and that agency in this area, and drew attention to the results of the Conference on “Cyber-crime: A Global Challenge, A Global Response” organized by the Council of Europe and the Ministry of Justice of Spain in coordination with the OAS. The Conference was held in Madrid, Spain, on December 12 and 13, 2005, and addressed issues such as: Legislation on cyber-crime; Investigative tools to combat cyber-crime; Private-Public partnership: the key to success; The increasing and evolving threat of cyber-crime; and Becoming a party to the Convention on Cyber-crime.

Both speeches having concluded, the Plenary first adopted the recommendations of the Fourth Meeting of the Group of Governmental Experts on Crime, which are contained in document REMJA-VI/doc.10/06.

The Plenary also took note of the recommendations emanating from the Conference on “Cyber-crime: A Global Challenge, A Global Response” with a view to continuing discussions on combating the threats arising from cyber-crime, as well as the possibility of allocating funds to provide training for those OAS member states that request it in implementing strategies against this type of crime.

The Plenary also stressed the advisability of having mechanisms to facilitate broad and efficient mutual cooperation to combat cyber-crime and, to that end, the Member States will undertake to adopt the necessary measures to ensure that differences in the description of crimes do not jeopardize the efficiency of cooperation through mutual assistance in extradition.

Several delegations mentioned the principles of the Convention on Cyber-crime of the Council of Europe (2001) and, in that connection, urged the member states that have not yet done so to consider accession to and implementation of the above-mentioned international instrument.

In order to conclude this topic, the Chair suggested forwarding to the Working Group the recommendations put forward by the Delegations on the items addressed at this session.

Before concluding with this session, the Delegation of the Dominican Republic circulated to the Plenary, for its consideration, a proposal related to the REMJA Process.

4. Third Plenary Session

At 9:30 a.m. on April 25, 2006, the third plenary session of REMJA-VI was called to order and began its deliberations with consideration of item 5 on the agenda: Institutionalization of the REMJA process.

To initiate its discussions, the Chair offered the floor to the Delegations that wished to comment on the proposal presented by the Delegation of the Dominican Republic at the end of the second session, with respect to the REMJA Process.

In this regard, various Delegations took the floor to support the creation of a coordinating group made up of the current Chair of the REMJA, together with a representative of the country that was the previous Chair and a representative of the country that will host the next REMJA. Taking into account the importance of those interventions, they have been transcribed in their entirety and included in Annex 1 to this report.

The session continued with consideration of the next item on the agenda: Mutual assistance in criminal matters and extradition.

For consideration of this item, Mr. Antenor Pereira Madruga Filho, member of the Delegation of Brazil and Chair of the Second Meeting of Central Authorities and Other Experts on Mutual Legal Assistance in Criminal Matters and Extradition, read out the report on said meeting, which was held in Brasilia, Brazil, from September 1 to 3, 2005. In particular he referred to the recommendations adopted and to progress and developments this area.

Before he concluded his report, Mr. Antenor Madruga yielded the floor first to the delegation of Canada, which gave a summary of recent developments in the framework of the Working Group on Mutual Legal Assistance in Criminal Matters and Extradition; then to the Delegation of Trinidad and Tobago, which gave a presentation of the model law proposal related to the "backing of warrants" and the activities of the last meeting of the Working Group held in Port of Spain, Trinidad and Tobago, on April 5 and 6, 2006; to the Delegation of Argentina, which presented a report to the Plenary on progress on the proposed model law and mutual assistance in criminal matters, use of videoconferencing, and cooperation between the Hemispheric Information Exchange Network on Mutual Assistance in Criminal Matters and Extradition and "IberRED"; and finally to the Delegations of Brazil and Mexico, which provided joint information on future projects in the area of extradition.

After the foregoing presentations, the Plenary proceeded to consider the Hemispheric Information Exchange Network on Mutual Assistance in Criminal Matters, to which end, the Coordinator of the Working Group on Mutual Legal Assistance in Criminal Matters and Extradition presented his report and offered a short description of the mechanisms for adoption and installation of

this network in the States in the hemisphere, as well as its scope and benefits in the context of mutual cooperation.

Next, Messrs. Jorge García-González and Nelly Gochicoa, Directors of the Juridical Cooperation Office of the Department of International Legal Affairs and of the Office of Information and Technology Services of the General Secretariat of the OAS, respectively, gave a presentation on the current situation of the public, private, and “groove” secure e-mail system components of the Hemispheric Information Exchange Network for Mutual Legal Assistance in Criminal Matters, and mentioned the importance of the contributions of the States for the administration, update, and maintenance of this important hemispheric tool.

At the end of these presentations, the Chair left the floor open to the Delegations. When the Delegations finished their observations, the Chair suggested that the Plenary take note of their remarks, in particular the recommendations made, and transmit them to the Working Group for due consideration.

5. Fourth Plenary Session

The fourth plenary session of REMJA-VI came to order at 2:30 p.m. and began consideration of the item: Justice Studies Center of the Americas (JSCA).

The Chair reminded the Delegates that the Justice Studies Center of the Americas was the last entity created by the OAS General Assembly in November 1999, and that, according to Article 2 of its Statute, “Its activities shall be carried out in accordance with the policy guidelines reflected in the conclusions and recommendations of the REMJAs and, as appropriate, may take into account the pertinent mandates of the Summit of the Americas and resolutions of the OAS General Assembly.”

Mr. Juan Enrique Vargas, Executive Director of the JSCA presented the Report on the Status of Justice in the Americas 2004-2005, and proposed a dialogue between the Ministers and Heads of Delegation on the recent criminal justice reforms instituted in several countries in the region, a process that the institution has examined in depth. In conclusion, and in accordance with the mandate of REMJA-V, the representatives of the JSCA presented the Center’s proposed financing plan and a report on its activities.

At the conclusion of the presentation of the JSCA, the Chair of REMJA-VI left the floor open to the Delegations, which expressed their appreciation for the Center’s efforts and work reflected in its activities report. With respect to the proposed financing plan, they suggested that it be transmitted for consideration to the upcoming thirty-sixth regular session of the General Assembly of the OAS, bearing in mind that the voluntary contributions of member states are essential for financing the basic operating costs of the JSCA.

When the Delegations finished their observations, the Chair suggested that the Plenary take note of their remarks on this topic and transmit the recommendations made in that regard to the Working Group.

Next, the Plenary examined item 7 on the agenda: Hemispheric cooperation against trafficking in persons.

In order to initiate discussion of this item, the Chair of REMJA-VI reminded those present that at its session of April 5, 2006, the Permanent Council of the OAS considered the Conclusions and Recommendations adopted by the Meeting of National Authorities on Trafficking in Persons, held in Porlamar, Isla Margarita, Venezuela, from March 14 to 17, 2006. In that connection, the Permanent Council decided to take note of the comments of the delegations on the issue and to refer the aforementioned Conclusions and Recommendations to this Sixth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, pursuant to operative paragraph 6 of resolution AG/RES. 2118 (XXXV-O/05) adopted at the thirty-fifth regular session of the OAS General Assembly.

Having mentioned the foregoing, the Chair then offered the floor to Ambassador Nelson Pineda Prada, Alternate Representative of Venezuela to the OAS and Chair of the Working Group to Organize the First Meeting of National Authorities on Trafficking in Persons, who gave a summary of the decisions and activities of that meeting and briefly presented the Conclusions and Recommendations that it adopted.

Next, the Plenary decided to keep the item on the agenda of these ministerial meetings and to present a report to REMJA-VII on progress in relation to these Conclusions and Recommendations, which were adopted in full by REMJA-VI.

The Plenary then considered the item: Hemispheric cooperation on forensic research.

The Chair offered the floor to Mr. Rodolfo Espiñeira, Assistant Attorney General of the Dominican Republic, to present this new topic in the REMJA framework. He began by mentioning the new challenges that the Hemisphere faces vis-à-vis a modern system of justice. He explained why it was necessary to include this item in the REMJA agenda, which would denote an acknowledgement on the part of the Ministries of Justice and Attorneys General of the Americas of the importance of forensic science.

Before concluding his remarks, as a first step in addressing this new topic Mr. Espiñeira proposed the convocation as soon as possible of a meeting of forensic experts to evaluate, inter alia, advances in forensic science in the Hemisphere and stimulate information exchange and cooperation in practices in this area.

When Mr. Espiñeira had concluded his address, the Chair again underscored the importance of this item and opened the floor to the Delegations.

When the Delegations finished their observations, the Chair suggested that the Plenary take note of their remarks on this topic and transmit the recommendations made in that regard to the Working Group.

Moving on to item 10 on the agenda: Hemispheric legal cooperation on civil, trade, and family law issues: The role of central authorities, the Chair offered the floor to Mr. Jean Michel Arrighi, Director of the Department of International Legal Affairs of the OAS General Secretariat.

In his address, Mr. Arrighi mentioned that the inter-American system has a complete legal framework of conventions on legal and judicial cooperation and mutual legal assistance, with a scope

that extends from procedural law to criminal and family law. He also said that, following REMJA guidelines, the OAS has taken steps to enhance cooperation in matters of criminal law among the States. However, so far little has been done with respect to implementation of inter-American civil law instruments, despite the fact that this has been an express concern since REMJA-I.

In that connection, Mr. Arrighi mentioned that the initial goal was the creation of a network of central authorities and government officials, as the aforementioned conventions request. To achieve that, he suggested that the States that have not yet done so appoint central authorities on each instrument to which they are party and proposed the need to equip them with the necessary tools to carry out their functions appropriately and communicate with each other as efficiently and securely as possible.

In concluding his presentation, Mr. Arrighi urged the states that are party to the various inter-American conventions on civil, business, and family law to consider the exchange of national experiences and legal and judicial cooperation in the framework of the inter-American system.

After this presentation, the Chair again offered the floor to the Delegations to make observations in this regard. Once they had concluded, the Chair suggested that the Plenary take note of the observations and transmit the recommendations made to the Working Group.

In order to finalize the activities of the fourth plenary session, the Chair was honored to offer the floor to the Minister of Justice of Spain, Mr. Juan Fernando López Aguilar, who offered his thanks, first to the Government of the Dominican Republic for its hospitality and interest in continuing the important process of these Ministerial Meetings, and to REMJA-VI for providing a space for him on its agenda.

Minister López Aguilar underscored the pressing need to continue to forge more and better cooperation ties between the American States and Spain as well as the other members of the European Union. He argued that both regions face similar threats, such as terrorism, for which effective cooperation mechanisms had to be created in order to present a common front against this and other scourges that undermine the rule of law and the social well-being of our peoples. At the end of his remarks, Minister López Aguilar reiterated his thanks to the Government of the Dominican Republic and the Delegations, which also thanked him for his presence.

There being no further business on the agenda, the Chair adjourned the fourth session.

6. Fifth Plenary Session

The Fifth Plenary Session came to order at 3:30 p.m. and began by considering the recommendations of REMJA-VI. To that end, Ambassador Roberto Álvarez Gil, Chair of the Working Group and Permanent Representative of the Dominican Republic to the OAS, presented the results of the discussions that gave rise to the recommendations of this Ministerial Meeting.

After the appropriate reading of the Conclusions and Recommendations of REMJA-VI, the Plenary took note of them and decided to adopt them.

Next, the Head of the Delegation of Venezuela, Ambassador Nelson Pineda Prada, submitted to the Chair the observations of his government on the draft Conclusions and Recommendations of REMJA-VI, which, for reasons of time, could not be presented to the Working Group for consideration, and he requested their inclusion in the final report of REMJA-VI (REMJA-VI/doc.23/06).

By the same token, Mr. Edgar Palomoque Cantos, Attorney General of Ecuador, requested that the observations of his Government on the proposed model laws, best practices, and training which were under consideration by the subcommittees of the Working Group on Mutual Legal Assistance in Criminal Matters and Extradition be included in this final report (REMJA-VI/doc.22/06)

7. Date and place of REMJA-VII

The Government of the United States offered to host the Seventh Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas to be held in 2008.

8. Conclusions and Recommendations

At the close of the discussions on the different points on its agenda, the Sixth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas decided by consensus to transmit to the Permanent Council of the OAS the adopted Conclusions and Recommendations contained in document REMJA-VI/doc.21/06 rev. 1 (ANNEX II), so that, in turn, they might be forwarded for consideration at the thirty-sixth regular session of the General Assembly, to be held in Santo Domingo, Dominican Republic in June 2006, in accordance with resolution AG/RES. 2068 (XXXV-O/05).

9. Closing session

The Closing Session came to order at 4:30. During the ceremony the meetings heard the remarks of Judge Francisco Domínguez Brito, Attorney General of the Dominican Republic and Chair of this Meeting, as well as from Ambassador Albert R. Ramdin, Assistant Secretary General of the OAS.^{4/}

At 5:10 p.m. on April 26, 2006, the Chair declared the Sixth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas closed.

4. These speeches have been published as REMJA-VI information documents.

ANNEX I

TRANSCRIPTION OF THE INTERVENTIONS MADE BY VARIOUS DELEGATIONS DURING
THE THIRD PLENARY SESSION OF REMJA-VI WITH RESPECT TO TOPIC 5 OF THE
AGENDA "INSTITUTIONALIZATION OF REMJA PROCESS"

El PRESIDENTE: ... tercera sesión plenaria. De acuerdo a la certificación del quórum reglamentario por parte de la Secretaría del plenario, declaro abierta la tercera sesión plenaria de la REMJA-VI, convocada para considerar los asuntos que aparecen en el calendario de esta reunión, documento REMJA-VI.

Inmediatamente pasamos a la continuación del tema 5, que en la tarde de ayer se inició la discusión y que de acuerdo con los planteamientos hechos por las diferentes delegaciones, entendíamos que era prudente que se tuviera el documento y además, que se permitiera el tiempo entre ayer y hoy a los fines de que cualquier observación se pueda realizar al inicio de esta mañana. Es el tema referente a la institucionalización del proceso de la REMJA. La Secretaría General ha distribuido la propuesta presentada por la Delegación de la República Dominicana y en este sentido se permite sugerir que la misma sea transmitida al Grupo de Trabajo para su consideración.

Sin embargo, quiero en este momento ofrecer la palabra a las delegaciones que quieran formular observaciones sobre el tema, las cuales serán igualmente transmitidas al Grupo de Trabajo. Parece que hay dificultad con la interpretación; sí y el grupo técnico me puede decir para advertir. Bien, quiero reiterar que en este momento vamos a abrir los turnos. No hay. [Pausa.] Canadá, ¿me escucha?

La DELEGACIÓN DEL CANADÁ: Mr. Chairman, just a point of order. I understand that there is a problem with the translation. There is Spanish, there is French, there is no English translation available. I am talking about the simultaneous interpretation.

El PRESIDENTE: Estamos en espera de que mejore la traducción o se conecte la traducción en inglés. Estaba apagado. Bueno, reitero la idea, de en esta mañana es que vamos a abrir los turnos a las delegaciones que así lo entiendan, de lugar a los fines de que realicen sus observaciones y que posteriormente todas las reflexiones que se hagan aquí sobre el tema de institucionalización del proceso de REMJA sean remitidas a los grupos o, al Grupo de Trabajo que en este momento funciona con relación al mismo. Así es que abrimos la discusión. Todos aquellos que tengan interés en expresarse que por favor lo hagan de acuerdo con el procedimiento establecido. Empezamos con Ecuador, por favor.

La DELEGACIÓN DEL ECUADOR: [Pausa.] ... de la República Dominicana.

Por el momento quisiera simplemente plantear un asunto de fondo. Esta es una Reunión de Ministros de Justicia o de Ministros Procuradores Generales de las Américas (REMJA), pero ocurre

que cada uno de nuestros países tiene una estructura diferente. Entonces quisiera que se amplíe el marco teórico dentro del cual esta Organización va a funcionar.

En el Ecuador tenemos, según la constitución política, un Procurador General del Estado, a quien hoy represento, que es el representante judicial del Estado, el que tiene en sus manos la conducción de los litigios judiciales y la defensa de los intereses del Estado. Este funcionario es elegido por el Congreso Nacional por un período de cuatro años, ejerce una posición de independencia y autonomía, inclusive, en el Ecuador se suele diferenciar claramente que no es un funcionario del gobierno sino que es el abogado del Estado.

También, según nuestra propia constitución, hay un Ministro Fiscal, también elegido por el Congreso Nacional. El Ministro Fiscal, que también desempeña funciones autónomas y que también tiene una función independiente, tiene en sus manos algunos de los capítulos que aquí hemos analizado –vigilancia y funcionamiento y aplicación del régimen penitenciario, protección de víctimas y testigos, etcétera, etcétera. Es decir, dos funcionarios diferentes, con funciones diferentes designados por el Estado, por el Congreso Nacional.

Hay también, ya dependiente del ejecutivo, un Ministerio de Justicia. No propiamente de Justicia, es Ministerio de Gobierno, Municipalidades y Justicia que ejerce alguna competencia sobre algunas actividades que desarrollan actividades judiciales.

Entonces, yo quisiera que se determine que REMJA, organización estupenda, a la cual nosotros apoyamos permanentemente, sea una organización de ministros de justicia, de procuradores generales del Estado, de ministros fiscales del Estado y cualquiera otra denominación que en algún otro país de América tenga. De tal manera que se integre una concepción mucho más globalizante que permita que este organismo tenga una competencia más grande en aspectos fundamentales del desarrollo de lo que estamos planteando aquí.

EL PRESIDENTE: Muy bien. Yo creo que ha sido muy importante lo señalado por la Honorable Delegación del Ecuador y vamos a pasar ahora la palabra a la Delegación de Chile, por favor.

La DELEGACIÓN DE CHILE: Gracias, señor Presidente. Buenos días.

En el mismo marco de la aclaración que esta haciendo el Representante del Ecuador, a mí me gustaría un poquito aclarar este punto. ¿Por qué? Porque en Chile tenemos, el Ministerio de Justicia, que es el órgano gubernamental en representación de la justicia, e independientemente, tenemos el Ministerio Público y el Consejo de Defensa al Estado, lo que son tres organismos distintos. Entonces, en el caso de Chile, como tenemos las tres institucionalidades, me gustaría que quedara claro que es el Ministro de Justicia. Y en aquellos casos en que no exista Ministerio de Justicia, o que esté radicado en una misma institucionalidad, pudiera ser el Procurador General, o el Ministerio Público. En esta oportunidad, a mí me acompaña el Ministerio Público, pero en Chile están perfectamente separadas esas tres instituciones, a cargo de distintas personas. Entonces, para nosotros, se nos complica si dicen el Ministerio de Justicia, o el Procurador, o el Concejo de Defensa del Estado. Son instituciones absolutamente distintas, con roles distintos e independientes.

Gracias.

El PRESIDENTE: Bueno, si no hay... Perú? Yo quisiera, también en la misma línea de la Delegación de Chile, yo creo que son sumamente interesantes los planteamientos que se están haciendo. E incluso, en la misma propuesta, se está planteando, dentro de las necesidades de fortalecer el proceso de institucionalización, precisamente eso que decía Ecuador y que decía Chile. Y precisamente también la temática que tenemos aquí, donde algunas son competencias de, o mayor competencia de ministerios públicos o de persecutores en la lucha contra el crimen, otras tienen que ver con políticas a seguir, que puede ser en los ministerios de justicia. Entonces, la idea final es que podamos ser mucho más efectivos en nuestra función de REMJA, que no significa más que ser más efectivo en la lucha contra el crimen, pero también en el fortalecimiento del Estado de derecho en cada una de nuestras naciones.

Así es que paso la palabra al Ministro del Perú, por favor.

La DELEGACIÓN DEL PERÚ: Gracias, señor Presidente. En la misma línea, esto es casi como una suerte de cuestión previa, porque creo que es muy importante poder comprender estas peculiaridades que tienen cada uno de los países y que ...

Bueno, el caso de Perú es prácticamente similar al de Ecuador, y es prácticamente similar al de Chile. Pero esto, creo que podría ayudar en esta dirección de fortalecer institucionalmente a REMJA. Porque yo, por ejemplo, ahora me siento relativamente incómodo, porque tengo detrás mío, cosa que no me pasa nunca, a la Fiscal de la Nación del Perú Constitucional [risas.] como le pasa también a la Jefa de la Delegación de Chile. Y coincide, constitucionalmente, la Fiscal de la Nación tiene un rango que en el Perú inclusive discutimos quién tiene más rango, si lo tiene un Ministro o si lo tiene el Fiscal de la Nación.

Pero, en fin, el tema no es ese realmente, sino algo que me parece importantísimo. Y es que en esta línea pudiera poder, digamos, si REMJA tiene una periodicidad bienal, establecerse o distinguirse a nivel de las reuniones mismas, de cara a la que sería la reunión previa. Por ejemplo, entiendo previa, la de la Asamblea General, en todo caso. Que pudieran especificarse o establecerse, con toda la claridad meridiana los ámbitos en que, por ejemplo, la jefatura de la delegación, porque el temario es claramente orientado a administración de justicia, u organismos autónomos que administran justicia, que quien preside, quien viene, quien aporta, quien tiene capacidad de decisión, además, porque es un organismo autónomo en el cual el poder ejecutivo no puede tampoco inferir. Es por ejemplo, el Fiscal de la Nación, que equivale al cargo de Procurador General. O sea, Procurador General y si el Procurador General, en ese país, es simultáneamente Ministro de Justicia, mejor! Pero tiene una competencia cabal, tiene una capacidad de decisión, de poder involucrar a su constitución, que yo no puedo, ni siquiera como Ministro de Justicia, hacerlo, por un lado.

Por el otro lado, con todo respeto, además lo digo con toda la amistad del mundo, si leo ahora la lista de asistencia y veo cuántos son ministros de justicia en este acto tan cálido y creo tan productivo, le juro que no somos ni siquiera el 20%. La mayoría, y en eso yo quiero felicitar, son ministros de justicia del área inglesa de América. De América Latina, ministros de justicia, ¿creo que somos dos? Entonces, esto también es un tema, me parece fundamental, para concientizar la participación, involucrar realmente, con nivel de decisión, porque me parece que eso es fundamental.

Entonces, dos cosas que me parecen puntuales. Una, como cuestión previa, creo que sería importantísimo admitir que hay estos niveles de distinción clarísima, además constitucional y legal en cada uno de los países, que creo que, de alguna manera, puede orientar a que las reuniones que se hagan puedan orientarse cabalmente hacia qué funcionario y en qué nivel es de interés en esa sesión. Y lo segundo, que me parece ya fundamental es, si marchamos a este fortalecimiento institucional de REMJA, definitivamente, en aquélla en que los ministros de justicia, porque además es un acto previo a la Asamblea, y la idea es presentar propuestas, que tengan un nivel de decisión y capacidad de decisión importante, efectivamente, así están los ministros de justicia, ¿no? Gracias.

El PRESIDENTE: Muy bien. Gracias, Alejandro, y pasamos la palabra a Guatemala y posteriormente a El Salvador.

La DELEGACIÓN DE GUATEMALA: Sobre la importancia de participación de todos los que pudieran hacer algún aporte a estas reuniones, considero importante tener en claro, bueno, lo que mencionaban, que habían pocos ministros de justicia. Pero hay que tomar en consideración que hay muchos países que no contamos con este ministerio.

Por ejemplo, en Guatemala no tenemos el ministerio de justicia. Podría decir que tenemos el Ministerio de Gobernación que pertenece al ejecutivo, cuyas funciones es la competencia, tiene la policía, tiene el sistema penitenciario, que podría participar en estas reuniones. Pero también tenemos al Fiscal General de la Nación, que es completamente independiente al Procurador General de la Nación, que también podría estar en esta reunión. Y también tenemos lo que es el organismo judicial que tiene competencia en determinados ámbitos de lo que se esta tratando.

Entonces, yo diría, así como decía Chile, decía el Ecuador, que tratemos la manera de involucrar a todas las instituciones que pudieran hacer un aporte a estas reuniones porque de eso se trata: de hacer propuestas concretas y que el sistema de justicia no lo integra únicamente un ministerio sino que lo integramos un conjunto de instituciones, llámese ministerio público, procuraduría general de la Nación, organismo judicial, servicio publico de defensa, la policía. Yo creo que todos estamos involucrados en el tema y todos deberíamos de participar.

El PRESIDENTE: Muchísimas gracias a la Delegación de Guatemala por tan importantes planteamientos y pasamos inmediatamente la palabra a la Delegación de El Salvador, por favor.

La DELEGACIÓN DE EL SALVADOR: Gracias señor Presidente.

En el mismo sentido que las delegaciones anteriores, si va a institucionalizar el proceso de la REMJA, sería conveniente que uno de los primeros esfuerzos que haga sería involucrar a todos los actores en lo que es los temas de REMJA.

Por ejemplo, en El Salvador es el Ministro de Gobernación, que también depende del órgano ejecutivo el que tiene a su cargo, prácticamente, las funciones de ... del Estado, es Ministro de Justicia, es Ministro del Interior, y es Ministro de Seguridad Ciudadana, y tenemos el Ministerio Público, que está conformado por el Fiscal General de la República y por el Procurador General de la República. Pero es el Fiscal General de la República el que tiene en sus manos el monopolio de la acción penal. Entonces, sería conveniente que se vieran como está conformado todas las instancias en

cada país y que en el proceso de institucionalización de la REMJA se empiece por ver cómo va a trabajar la cabeza de la REMJA.

Gracias, señor Presidente.

El PRESIDENTE: Muchísimas gracias a la Delegación de El Salvador y damos la palabra a la Delegación de Costa Rica.

La DELEGACIÓN DE COSTA RICA: Sí, muy buenos días.

Yo creo que estamos aquí ante un dilema, porque todos tenemos una organización diferente. En el caso de Costa Rica, tenemos Ministro de Justicia, tenemos Procurador que depende del Ministro de Justicia. Tenemos Fiscal General por aparte. Entonces, yo creo que aquí lo primero, y me parece que eso es un tema, si el funcionario que tiene que venir aquí, tiene que ser del poder ejecutivo; es, digamos, tal vez como lo primero, porque se trata de aquí definir políticas generales que deban ser asumidas por los Estados. Y estas políticas se llevan a cabo si tiene un impulso político en un Estado para poderlo llevar a los diferentes foros internacionales, presidentes, etcétera. Foros para tocar esos temas hay muchos.

Como decíamos ayer, el tema del CICAD tiene varios de estos temas y las instituciones a lo interno de los países son varios los que llevan los temas. Nosotros tenemos por ejemplo, aquí, el Ministerio de la Presidencia en Costa Rica lleva las drogas, terrorismo lo lleva otro ente.

Entonces, tal vez lo primero es, ¿queremos que quien venga aquí a esta reunión de REMJA sea un ente del poder ejecutivo, o se quiere que venga un ente como el de los fiscales generales, que ya de por sí tienen su lugar de reunión, los fiscales generales? O sea, yo creo que estamos aquí como en una autoconciencia de cuál es el objetivo de REMJA para poder definir quién es el que tiene que venir aquí. Y estoy muy de acuerdo con usted, digamos, no es posible que sea tan difícil reunir a los ministros, y no solo de justicia, porque si la función de justicia la tiene el de gobernación, pues entonces debería ser el de gobernación y el de justicia.

Pero yo creo que si es importante que si se toman ese tipo de decisiones, o se va a dirigir la política, que nos ubiquemos quién tiene que venir a estas reuniones, porque o si no se puede convertir esto, que se puede decir, o en una duplicidad con respecto a otros entes, como el CICAD por ejemplo, o en algo que no tiene mayor eficacia. Y yo creo que eso es lo que no quisiéramos, ¿verdad?

Muchas gracias.

El PRESIDENTE: Pasamos la palabra a la Delegación del Brasil, por favor.

La DELEGACIÓN DEL BRASIL: Muito obrigado, Senhor Presidente.

Este é um problema que tem frequentado todos os foruns recentemente; isto esteve presenten também na Reunião de Autoridades Centrais: quem deve ser o representante se o Ministério Público, a Fiscalia, ou se o Ministério da Justiça.

O Brasil fez uma proposta na Reunião de Autoridades Centrais que esse é um problema que não devemos colocar, como dizemos, em baixo do tapete. É preciso que o enfrentemos.

Nós sugerimos, então, que na REMJA e nas reuniões de Autoridades Centrais estivessem presentes os Ministerios de Justiça e os seus equivalentes políticos no âmbito do Governo, e também os Ministerios Públicos, para que possamos ter as duas vertentes: a vertente política e a vertente das ações penais.

Então, a proposta que o Brasil faria eventualmente como uma recomendação a sair desse projeto de institucionalização, é que nós tenhamos nas próximas REMJAs, não Ministerios da Justiça ou Procuradores-Gerais, mas Ministerios da Justiça e Procuradores-Gerais, para que nós possamos sim enfrentar esse problema, o que redundaria no dia-a-dia da cooperação. Muitas vezes, a cooperação é dificultada porque não há uma aproximação maior, mesmo dentro dos países, entre essas instituições. E é o grande dilema de quem deve ser, por exemplo, a autoridade central: se o Ministerio Público ou o Ministerio da Justiça.

Portanto, Senhor Presidente, é importante que esta discussão venha à mesa porque este é um problema que tem sucedido. E a sugestão do Brasil é que, pelo menos, convidemos nas próximas reuniões também os Ministerios Públicos ao lado dos Ministerios da Justiça e seus equivalente.

Muito obrigado, Senhor Presidente.

El PRESIDENTE: Muchísimas gracias a la Delegación de Brasil y paso la palabra ahora a la Delegación de Panamá.

La DELEGACIÓN DE PANAMÁ: Ayer cuando se trataba el tema de la lucha contra el crimen organizado daba la sensación, después de escuchar a todos los participantes, de la desorganización de quienes tenemos que afrontar el crimen organizado. Lo paradójico de todo esto. Y parte de lo que se está tratando aquí va en función de eso. La Representante de Costa Rica mencionaba el término, o lo referente a la eficacia. No podremos ser eficaces en la lucha contra el crimen organizado si los que tenemos que ver con este tipo de criminalidad no sabemos ni siquiera cómo lo vamos a afrontar. Y parte de lo que hay que definir ahí, lo importante de este tema es precisamente eso, que existimos tantas instituciones que tenemos que ver con este tipo de delito, pero sin embargo da la sensación de que cada uno está trabajando por su lado.

También mencionaba la Representante de Costa Rica lo referente a otras asociaciones. A nivel Iberoamericano está la Asociación de Ministerios Públicos, Procuradores Fiscales. Y muchos de los temas que aquí se están tratando también se abordan allá. Entonces, eso que pareciera que no tiene mayor importancia, porque alguien pudiera pensar que es un tema de forma, es bien relevante, bien importante, repito, porque de lo contrario volveremos a encontrarnos aquí dentro de un año, dentro de dos años y pareciera que estamos en el punto cero. Así que yo sí creo que este es un tema que debemos abordar y aclarar por lo que él mismo entraña.

Muchas gracias.

El PRESIDENTE: Muchísimas gracias a la Delegación de Panamá.

Quisiera hacer una observación. Aunque los Jefes de Delegación están haciendo una serie de planteamientos, por lo que decía Alejandro, el Ministro del Perú y otros ministros, aquí hay también representantes o fiscales generales que están como observadores. Si alguien quiere hacer uso de la palabra, yo creo que no tendríamos objeción, o a menos que alguno de ustedes la tenga. Si alguien tiene algo importante también que señalar, o sea, que lo pueden hacer. Paso la palabra a Colombia. Creo que lo tenía. Colombia.

La DELEGACIÓN DE COLOMBIA: Gracias, señor Presidente. Para tratar de hacer un aporte, a ver si entre todos logramos aclarar un poco las ideas.

Efectivamente es un problema, si puede llamarse así, que surgió por la denominación. Pero yo lo que creo y lo que entiendo y como siempre hemos entendido es que esta Reunión de Ministros o Procuradores es una reunión a donde pueden acudir las autoridades que en cada Estado puedan formular políticas públicas en materia de justicia. El nombre, yo supongo que lo escogimos de una forma amplia precisamente para poder significar eso. Quién puede en cada Estado formular políticas públicas en materia de justicia, independientemente de la denominación que en cada Estado tenga esa autoridad.

Por otra parte, nosotros tenemos acá Grupos de Trabajo y tenemos Comisiones de autoridades centrales en materia de cooperación judicial, que ya son operadores, que no formulan la política pública pero tienen espacio en la REMJA. Es de autoridades carcelarias, de autoridades contra el delito cibernético, que ya es otro nivel, que son las ejecutoras de las políticas públicas, pero pienso que podríamos tomar como parámetro para aclarar este dilema que quienes que deben estar aquí sentados son quienes formulan las políticas públicas teniendo claro que se pueden conformar grupos de trabajo de otras autoridades que no las formulen sino que las ejecuten en otro nivel que es el de los grupos de trabajo. Lo pongo como un aporte a ver si podemos ir buscando la luz al final de este pequeño túnel.

El PRESIDENTE: Muy bien. La Delegación de los Estados Unidos tiene la palabra. Muchísimas gracias a Colombia.

La DELEGACIÓN DE LOS ESTADOS UNIDOS: Mr. President, I think this is a very important discussion. Of course, each country has to decide how their interests are best represented through their participation in this group.

I want to go back to the proposal put forth by the Dominican Republic, and I want to thank the President for the proposal. The United States supports the proposal that a steering group of the three presidents be created to guide the work of the next ministerial. I do believe is important that each country would, of course, decide which of their officials or institutions would represent their presidency, depending on whether it is appropriate that it be the Attorney General, the Minister of Justice, or whatever. I do suggest the highest level. I would suggest two other levels, an appropriately high level, consisting perhaps of directors general or other high ranking officials and of course working groups. And, I would suggest also that, that I believe this will call for some secretariat support from the OAS.

But, as a general matter, the United States does support the proposal that you set forth yesterday, Mr. President.

El PRESIDENTE: Muchísimas gracias a la Delegación de los Estados Unidos. Damos la palabra a Chile y a Canadá en este momento.

La DELEGACIÓN DE CHILE: Gracias, señor Presidente. Sin perjuicio que en términos generales la propuesta República Dominicana está bien, esto de formar una secretaría pro t mpore, dij ramos de los tres pa ses —el saliente, el que est , y el que va a venir— me parece estupendo, insisto en aclarar qui nes van a asistir y qui nes est n llamados a asistir a esta reuni n. En esta oportunidad, ah  me acompa a, como les repito, el Fiscal Nacional que es un ente independiente del Ministerio de Justicia, independiente del Gobierno. Si van a venir todos los entes encargados de la justicia en el pa s, tambi n deb ramos invitar al Defensor Nacional, al Consejo de Defensa del Estado, entonces ya esto se transforma ... Todos son muy respetables y todos tienen una importancia tremenda en nuestros pa ses, pero tenemos que definir esa parte porque de lo contrario va a ocurrir lo que han dicho aqu  tanto el Ministro del Per  como la Ministra de Costa Rica que van a empezar a venir menos ministros, y al final no s  c al va a ser el sentido de la reuni n.

A m  me gustar a aclararlo, porque de verdad, el Fiscal Nacional de mi pa s quer a intervenir.  l vino como observador. Entonces si le doy la palabra en este minuto, despu s en que oportunidad, y entonces me gustar a que aclar ramos ese punto, porque yo no soy nadie para excluir al resto de la gente que est  en el  mbito de la justicia en mi pa s ni en el resto de los pa ses. Pero creo que es muy bueno para las delegaciones tener esa claridad.

Gracias, se or Presidente.

El PRESIDENTE: Muy bien. Yo creo que es muy v lido. Precisamente en la propuesta, en el inciso c) se plantea lo mismo que estaba se alando la Delegaci n de Chile, el mismo t tulo de toda la conferencia, de Ministros de Justicia, Procuradores Generales de las Am ricas. Es decir, que *per se* la misma convocatoria genera todo esto. Entendiendo procuradores, el t rmino de persecutores y en otras palabras, de ministerios p blicos. Es decir, que precisamente por eso, la importancia de que estamos hablando de que podamos fortalecer institucionalmente a los fines de ser m s efectivos. Tenemos grandes compromisos, al final es el objetivo de todo esto. Este Plan de Acci n del Crimen Transnacional, queremos resultados ya m s concretos. Dentro de dos a os la REMJA es mucho, yo creo que tenemos que avanzar lo m s posible para lograr esos resultados y la idea es que podamos crear estos mecanismos para que los objetivos logrados se puedan obtener en un tiempo r pidamente breve. Por eso coincido totalmente con Chile. Y creo que es muy importante, pero ya el Grupo de Trabajo tomar  en cuenta las observaciones y ojal  que podamos lograr tener un buen resultado de todo esto.

Yo veo que tiene la palabra Rep blica Dominicana. Si alguien m s ... para cerrar entonces, porque hoy es un d a muy largo. Canad  y luego Rep blica Dominicana y termino con Colombia.

La DELEGACI N DE CANAD : Thank you, Mr. Chairman.

After six meetings, we now have an identity crisis. I do not know how we succeeded to meet the last five times. But I think that it does bespeak of an issue which I think we have seen occur over the last six meetings, and that is, the extent to which our agenda becomes more and more complex and more and more vast. We have fewer and fewer individuals at a ministerial level who are

responsible for all because things are shared amongst governments—between ministers, political ministers, as well as officials.

The title of this organization which is, clearly, not an official organization of the Organization of American States, but as indicated, Argentina proposed a meeting of Ministers of Justice or Attorneys General to meet, together with the help of the Secretariat of the Organization of American States, and this meeting became two meetings, three meetings, four meetings, five, and now we are at a point where we are saying we believe the meetings are a good idea and we should have more permanency in the meetings. And that is why we have the excellent proposal of the Dominican Republic to say that after five years, we should now try to formalize our process.

And now, when we talk about formalizing, we are now having an identity crisis as to who we are. But I think the question of identity can be a subject which can be examined in the process which has been recommended by the Dominican proposal. That can be an issue. I think we need to look at the question of what is the purpose of these meetings. Is the purpose of these meetings to look at the entire criminal justice system, everything from judicial, prosecutorial, public policy developed by ministers of justice, police services, penitentiary services? Otherwise, if that is the case, it becomes a different body than I think what Argentina had proposed when it had first suggested we have these meetings.

So we have to decide. Maybe not today, but I think we have to decide, maybe in the process which has been recommended by the Dominican Republic, which exactly is the scope of these meetings. The more narrow, the more focused, the more likelihood we will ensure that the ministers of justice or attorneys general attend if the items on the agenda are clearly relevant to their areas of responsibility, and that the issues for discussion involve matters of public policy, because ministers want to talk about policy. They are politicians. They do not want to talk about operational details of how you conduct a prosecution or how you conduct an investigation.

So we have to decide, I think, what is our focus, and I think that itself will ensure that the right people will attend. Clearly, amongst all of us we have different constitutional structures, as Peru has indicated. In some cases, we have a Minister of Justice, executive political person, who is separate from an Attorney General, who might be an appointed official, independent. In other countries, the Attorney General and the Minister of Justice are in the same ministry. In some countries like United States or Canada, it's the same person; the person wears two different hats. Other countries have other individuals; such as the Fiscal General. So, we will never solve that problem, but if we can be clear on the focus of our agenda and our purpose then, I think those people who know that they are supposed to be here will ensure that they will come here. Now, that's my suggestion with respect to this identity crisis: that we delegate our crisis to a working group, as proposed by the Dominican Republic, to tell us who we are.

With respect, Mr. Chairman, to the actual proposal of the Dominican Republic, Canada has a number of comments. We think that the proposal is a good idea, but we have a number of small issues which we would like to raise.

One, with respect to the suggestion that there be created a triumvirate of past president, current president, and future president, it may be a good idea, but as we know historically, sometimes the future president of the next REMJA has not been identified until shortly before the next meeting,

as was the case at the Fifth Meeting, when Mexico graciously offered to host the meeting, which was to be held in Washington at headquarters.

With respect to the meeting, we assume that the meeting would be open to all member states, all members of the Organization, that it would not just be a small working group, but it would be open to everyone.

Secondly, it talks about a proposal to draft regulations of REMJA. As I indicated earlier, and I think our Chair had described, REMJA does not really have an official constitution, it is not an official organization. It is an ad hoc, voluntary meeting of ministers of justice that meets with the support of the OAS Secretariat. But it has been recognized by the Organization of American States. The General Assembly has recognized the work of REMJA, and I think that now comes a point in time when the Organization, the political part of the Organization, recognizes the value of REMJA, and also would like to have some more formal linking of relations. So I think it is important that we discuss amongst ourselves how to interact better with the political organs of the Organization of American States.

So when we talk about draft regulations of REMJA, I am not sure that we are the point where we are actually drafting formal regulations for a body, or whether we are asking this Working Group to actually draft some proposals or recommendations as to how we first would conduct ourselves, our own meetings.

Secondly, we cannot dictate to the Organization; that is, the OAS, how it should relate to us or how we should relate to it. It is a clearly formal intergovernmental organization with a Charter, a constitution. We are an intergovernmental organization, which has been created by voluntary participation of ministers of justice or attorneys general who have decided to come together.

We can, under paragraph d), for example, of the proposal, suggest some possible processes for REMJA to consult or coordinate its relations with other bodies, but we cannot indicate how we will. We can simply say, this is how we think we would like to interact with the Organization of American States. It would be up to the Organization of American States; that is, the political body, to then see our recommendations, see our proposal, and decide whether they want to dance with us, because as the adage says, it takes two to tango. It takes two to dance. And in paragraph 2, if we want to dance more formally with the Organization, we will need to, it will have to be a cooperative.

With respect to paragraph b); that is, our own internal relations, clearly we have had an expansion of the number of working groups which have occurred under REMJA, which is both a positive indication of our work, but it is also a disadvantage. It is positive because we have realized that there is a lot of work to do and we have decided to tackle it, and many of the working groups which we have mandated to exist have produced excellent results.

But we are starting to suffer from our own success. We are starting to have too many working groups, and all the working groups are demanding the resources of the Secretariat, and the Secretariat is not able to service all the working groups. Because when the Secretariat first joined this group, they were going to support REMJA. Now they are supporting REMJA and a number of working groups. So we have to ensure that we create a mechanism underneath ourselves that we can control, but also that the Secretariat is able to properly service. So we believe it is a very good idea

that under paragraph b), we look at how we mandate organizations, working groups below us, and what their reporting relationships are back to us.

Now, in that regard we have had some excellent work done in one of the oldest areas, which is mutual legal assistance. We started off with a working group in 2000. They made a number of excellent results, which we will hear about in our next agenda item —websites, secure e-mail. They recommended the holding of a meeting of central authorities. A meeting of central authorities was then held on the recommendation of the Working Group. But, we now have a Working Group, we have meetings of central authorities, we have a number sub-working groups underneath both of these groups. We need to rationalize that work.

We would propose, as Canada, that in order to assist the process launched by the Dominican Republic to possibly host a special meeting, just to look at the area of mutual legal assistance and extradition to rationalize its work, and that that meeting could then report to the meeting proposed by the Dominican Republic. They would feed into the meeting of the Dominican Republic. In other words, first, those who created this little bit of confusion in the mutual legal assistance and extradition world should have the opportunity first to rationalize their own universe and then present some recommendations to the larger group which the Dominican Republic has proposed.

So we would propose under b that there be a b bis, I suppose, and that a special meeting of mutual legal assistance and extradition experts, the Working Group, the central authorities, or a special meeting meet to rationalize that body of work first so that it could then feed into this larger body.

With respect to the issue of servicing, I'd like to turn to the last page. Unfortunately, this is a bit contradictory to what I just said earlier about us continuing to put more and more demands on the resources of the Secretariat. But I think we should ask the Secretariat one more time to provide all the necessary resources to service the two meetings of which I have spoken—the meeting proposed by the Dominican Republic and also the Special Meeting on Mutual Assistance and Extradition Authorities which I mentioned.

With those comments, Mr. Chairman, which I think our Working Group downstairs can draft, Canada would be supportive of this proposal.

Thank you.

El PRESIDENTE: Muchísimas gracias a la Delegación de Canadá, que hizo un gran esfuerzo en cada uno de los tópicos o temas establecidos en la propuesta de recomendación.

Pasamos la palabra a la República Dominicana, a la Delegación dominicana. Posteriormente, Colombia y México.

La DELEGACIÓN DE LA REPÚBLICA DOMINICANA: Muchas gracias, Presidente.

Hemos escuchado algunas observaciones respecto a las distinciones que existen en otros países respecto de los temas que trata la REMJA y de las distintas instancias o funcionarios encargados de desenvolverse, de desempeñarse. Para República Dominicana no hay ninguna

dificultad porque la función del Procurador General de la República se conjugan las funciones de Secretario de Estado de Justicia desde el año 1962 que trata de asuntos de los temas a nivel internacional como es el caso de las extradiciones, que estaban asignadas al Secretario de Estado de Justicia, como es el asunto también de tratar las cuestiones de la defensa de los intereses civiles del Estado, y además la tercera función que se conjuga en el Procurador General de la República es la de Administrador de Justicia junto con el poder judicial. De manera que para nosotros ninguno de los temas planteados por la REMJA confronta ningún tipo de dificultad en asumirlo porque hay un solo funcionario en nuestro país.

Hay que recordar que República Dominicana es un territorio pequeño y se eliminó la Secretaría del Ministerio de Justicia, se eliminó y se traspasaron las funciones del Secretario de Estado de Justicia al Procurador General de la República. De manera que para nosotros no representa ninguna dificultad el tema de quiénes deben asistir a estas reuniones.

La propuesta de República Dominicana respecto a los países que si tienen dificultades porque tienen diversos funcionarios, diversos estamentos encargados de tratar con los temas propuestos por la REMJA, yo creo que la propuesta de República Dominicana soluciona ese punto porque en el tema c) dice: “los arreglos que fueren necesarios para facilitar cuando corresponda la coordinación de la participación en el marco de la REMJA, de los Ministerios de Justicia, de los Ministerios Públicos de los Estados de la OEA.” De manera que con este punto se soluciona, o se solucionaría las objeciones que se hacen sobre quiénes deben asistir. Que dicho sea de paso son cuestiones que debieron ser propuestas tal vez en el momento de la constitución de la REMJA misma.

Respecto a lo que ha dicho Canadá, nosotros coincidimos en lo expresado en el sentido de que el Ministerio, que los Ministros aquí reunidos no pueden tratar temas operativos. Y para eso estaría la conformación de las reuniones y la preparación de reuniones de expertos. Lo que se ha pensado con respecto a la troica es que hasta tanto se elija la futura presidencia, se pudiera trabajar con los países que han presidido y presiden a la REMJA. Nosotros tal vez tenemos, esta propuesta viene por la gran preocupación de la República Dominicana a los ajetreos que tuvo la República Dominicana para llegar a ser operativa a esta reunión.

Y entonces, bajo ese conocimiento, nosotros entendemos que es necesario que se caractericen, porque creo que hay un punto en que toditos estaríamos de acuerdo y es que estas reuniones son muy buenas. Nosotros, los temas que se tratan en estas reuniones son muy necesarios, muy buenos para todos nuestros países.

Y de hecho, República Dominicana puede demostrar que ha tenido muchísimos avances a partir del año 1997. Nosotros podemos decir, por ejemplo, nuestros sistemas carcelarios, como hemos ido trabajando para mejorarlos. Nosotros también podemos exhibir nuestra amplia cooperación en materia de extradiciones y en materia de asistencia internacional. O sea, tenemos mucho, mucho avance en eso^{5/} de manera que por eso nos hemos permitido presentar esta propuesta.

Muchas gracias.

El PRESIDENTE: Muchísimas gracias a la Delegación de la República Dominicana.

^{5/} Aquí comienza la cinta 1 lado B. No hay traslape entre la cinta 1 lado A y la cinta 1 lado B.

Yo quiero hacer una propuesta. Si se puede, como señalan aquí, en el lenguaje diplomático, por aclamación, pero sin aplauso, en el sentido de que, bueno, tiene el turno Colombia, México y Perú, pero que ya con Perú terminamos el tema para poder pasar al tema 6, dado que tenemos los límites del tiempo.

Entonces, si estamos todos de acuerdo y hasta ahora solamente son esas tres delegaciones que han pedido la palabra, damos por aclamado en silencio el cierre con Perú. Entonces, Colombia, por favor.

La DELEGACIÓN DE COLOMBIA: Gracias, Presidente.

De esas tres una es muy rápida. Solo para seguir el ejemplo, el rumbo que en esta discusión marcó los Estados Unidos y es el de entrarnos en la discusión propiamente dicha de lo que está agendado y es para decir que, sin restarle importancia a toda la discusión acerca de las autoridades y lo que para mí es más una discusión semántica, quisiéramos entrarnos más en el apoyo a la propuesta de la institucionalización de la REMJA.

Para nosotros sí es muy importante que después de cada reunión haya un doliente, haya un gestor que le haga seguimiento a las recomendaciones y a las tareas aquí propuestas. El método de la troica nos parece un método que en otros ámbitos ha dado buen resultado. Digamos, ayuda a aligerar las cargas pero siempre habiendo un gestor encima de las tareas.

Y referente ya a la discusión puntual de lo que puede tener este proyecto presentado por República Dominicana, creo que todas las observaciones son válidas, pero que precisamente el ámbito de discusión de esas observaciones puntuales debería de ser una reunión específicamente concertada para eso.

Pero sobre el grueso de la propuesta de institucionalizarlo y ponerle un seguimiento un poco más formal a esto, Colombia apoya decididamente la propuesta.

El PRESIDENTE: Muchísimas gracias, Colombia. Yo quiero sí hacer una observación. Inmediatamente termine Perú, tal y como hablamos hace un ratito, hace un pequeño rato, alguien del Ministerio Público tendría una pequeña observación y también vamos a darle a oportunidad cuando termine Perú.

México, por favor.

La DELEGACIÓN DE MÉXICO: Gracias, señor Presidente.

Creemos que el tono que ha tomado la discusión sobre el mecanismo de seguimiento ha sido un tono muy razonable y vemos que también podríamos tal vez resolver el tema en esta propia sesión de REMJA.

La propuesta de los Estados Unidos se nos hace una propuesta muy razonable; es una propuesta adecuada, teniendo básicamente el *steering group* o sea la troica y teniendo un seguimiento

que pueda ser a nivel de direcciones generales. Normalmente todas las procuradurías tienen áreas específicas para seguir temas internacionales.

Y por supuesto el apoyo en el secretariado, que creo que para tomar los puntos de vista de Canadá no será sino un aspecto de coordinación, porque de facto el secretariado sigue trabajando los temas y sigue programando las reuniones de los grupos durante los dos años. Entonces será simplemente un aspecto de coordinación, un entendido. No creo que tenga que afectarse ni la Carta de la OEA ni las funciones de la REMJA.

En realidad, el único punto que ... y además vemos que la propuesta de Estados Unidos salva la preocupación que hablamos con usted ayer, señor Presidente, de tener que generar otra reunión como ésta nada más para ese punto y tener que resolver esto dentro de dos años. Creo que se podría resolver perfectamente en el grupo de redacción, con una salvedad, que es para que la troica funcione, si necesitaríamos que antes de que culminara esta REMJA apareciera la propuesta de la próxima presidencia, de tal manera que pudiera conformarse de inmediato esa troica. Esta propuesta tampoco es ajena al funcionamiento de organismos internacionales. Es normal que se den ese tipo de procesos.

Entonces, lo único que nosotros apuntaríamos, por supuesto con todo el afán de que podamos terminar de pulir la propuesta en el grupo de redacción, trabajando con todas las delegaciones, sobre todo con las delegaciones que han manifestado el apoyo a la propuesta, sería simplemente el ver si se pudiera determinar antes de que concluya esta REMJA quién ofrecería la siguiente sede y la próxima presidencia.

Muchas gracias.

El PRESIDENTE: Muchísimas gracias a la Delegación de México por sus planteamientos. Y damos la palabra en este momento a la Delegación del Perú.

La DELEGACIÓN DEL PERÚ: Gracias, señor Presidente.

Siempre es bueno, yo creo, entre los países que tenemos origen y ancestro latino, escuchar los prácticos que pueden hacer los países sajones cuando plantean algunas cosas. Y esto quiero decirlo en labor no tanto de Estados Unidos como de Canadá, y ahora de México. Porque creo efectivamente que deberíamos ganar el tiempo y tratar de avanzar.

Perú también respalda con lo que se ha explicado, la posibilidad de que el día de mañana pudiera haber algo más concreto en esta propuesta de avanzar hacia el fortalecimiento de REMJA. Pero yo sí quiero solamente decir, casi a título de exhortación, porque es la única REMJA en la que he participado y probablemente va a ser la única en la que voy a participar porque estoy entregando mi cargo en unos meses. Estamos concluyendo el régimen nosotros. Y es si la REMJA es bienal, y como bien dijo el Jefe de la Delegación de Canadá, aunque yo no soy ministro y soy político, pero soy también técnico. Es decir, a mí me gustan los temas, cuando entramos a los temas operativos. Pero creo que si venimos a una reunión de esta naturaleza, creo que en la medida de lo posible la agenda debería ser con un temario donde hubieran propuestas que políticamente se puedan adoptar.

Si REMJA durante los dos años tiene reuniones técnicas, tiene reuniones de trabajo, siento que parte, y esto es simplemente atreviéndome porque no he seguido todo el proceso de REMJA, pero

siento que ya los que serían autoridades centrales o ministros de justicia podrían aprovechar esa reunión bienal para adoptar realmente acuerdos de política y básicamente poder sentar los lineamientos de política o políticas concretas, o acuerdos que puedan ser recomendados a la Asamblea más que, y lo digo con un gran aprecio, temas en donde de alguna manera yo me inserto tratando de aprender de todos ustedes, cosas que aprendo por supuesto en parte, pero que siento que como Ministro de Justicia no estoy siendo lo suficientemente útil en este maravilloso país de Santo Domingo.

Gracias.

El PRESIDENTE: Muchísimas gracias, señor Ministro.

Vamos a dar la palabra, para concluir el tema, a alguien que hablará incluso en representación, o que en algún sentido también hará, digamos, las veces de Ministerio Público, de todo el sistema y que no está directamente como Jefe de la Delegación, está como observador. Entonces paso la palabra a un representante de Chile, en este caso, que tendrá uso de la palabra.

El OBSERVADOR DE CHILE: Señor Presidente, señores Representantes del Ministerio de Justicia de Sudamérica, concurro a este acto por primera vez como Presidente de la Asociación Iberoamericana del Ministerios Públicos y además como Fiscal General de la República de Chile. Quiero agradecer la hospitalidad de la República Dominicana que hace posible este importante evento y el permanente apoyo de la Organización de Estados Americanos y su Secretaría General. Junto con lo anterior, queremos expresar nuestra satisfacción por estar presentes por primera vez como Presidente nuestra Asociación en esta relevante reunión, cuya temática tiene un directo impacto en el bienestar de nuestros conciudadanos y en la protección y fortalecimiento del estado de derecho en nuestros países.

Además vengo como Fiscal Nacional del Ministerio Público de Chile, no como Jefe de la Delegación, pero integrado a la Delegación del Gobierno de Chile. En nuestro país el Ministerio Público es un organismo autónomo constitucional que tiene la exclusividad de la dirección de la investigación penal e incluso leyes recientes le han dado la posibilidad de sugerir políticas públicas de prosecución penal y además somos destinatarios directos de solicitudes de asistencia judicial en materia penal.

Por eso expresamos nuestro apoyo por lo expresado por la República Dominicana y por el Secretario General Adjunto de la Organización de Estados Americanos. Coincidimos que en el contexto de numerosas reformas a los sistemas procesales penales en nuestro Continente de que todos los organismos competentes en materia de investigación y persecución penal se integren a este esfuerzo colectivo de REMJA. En definitiva, se trata de incorporar efectivamente a los ministerios públicos que en muchos casos no pertenecen al poder ejecutivo, tal como nosotros, pero son las entidades operativas en el campo de la investigación de acusación criminal.

Las últimas asambleas de la Asociación Iberoamericana del Ministerio Público me han solicitado hacer presente a REMJA el deseo de estar, de participar, de estar presente por lo menos como observadores en las reuniones generales o en las reuniones técnicas de REMJA. Nuestra presencia en esta ocasión representa esa dirección y estamos seguros que ello repercutirá positivamente en nuestro trabajo conjunto.

Muchas gracias por haberme permitido intervenir.

El PRESIDENTE: Yo quisiera también señalar que para nosotros es un gran honor y un gran privilegio que el Fiscal Piedrabuena haya tomado la palabra. Como Ministerio Público hemos recibido muchas comunicaciones de la Asociación y es muy importante todo el trabajo que se viene realizando en la Asociación de Ministerios Públicos. Así es que agradecemos en nombre de la presidencia la participación suya aquí y agradecemos enormemente como Ministerio Público también su participación como Presidente y el rol activo que usted ha jugado y personalmente doy testimonio de la comunicación siempre recibida por usted y del interés planteado para que el Ministerio Público también siga jugando un rol importante en la lucha contra el crimen y que podamos ser mucho más eficientes. Así es que muchísimas gracias por estar aquí y también por las palabras externadas.

Agradecemos igualmente a todas las delegaciones que han hecho las observaciones de lugar. Todas serán trabajadas ya por el Grupo de Trabajo correspondiente.

ANNEX II

SIXTH MEETING OF MINISTERS OF JUSTICE
OR OF MINISTERS OR ATTORNEYS GENERAL
OF THE AMERICAS
April 24-26, 2006
Santo Domingo, Dominican Republic

OEA/Ser.K/XXXIV.6
REMJA-VI/doc.21/06 rev. 1
4 August 2006
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CONCLUSIONS AND RECOMMENDATIONS

(Adopted at the fifth plenary session, held on April 26, 2006,
and reviewed by the Style Committee at its meetings
of July 19 and 21 and August 3, 2006)

EXPLANATORY NOTE OF THE STYLE COMMITTEE

These “Conclusions and Recommendations of REMJA-VI” were reviewed by the Style Committee at its meetings of July 19 and 21 and August 3, 2006.

The Style Committee highlights that, with respect to chapter X of these Conclusions and Recommendations, the Final Report of REMJA-VI (REMJA-VI/doc.24/06 rev. 1) contains an account of the considerations expressed on this topic at the third plenary session, and transcribes *verbatim* the interventions made with respect to the creation of a coordinating group composed of the current Chair of the REMJA, together with a representative of the country that was the previous Chair and a representative of the country that will host the next REMJA.

CONCLUSIONS AND RECOMMENDATIONS OF REMJA-VI

Having concluded its deliberations on the various items on its agenda, the Sixth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA-VI), convened under the auspices of the Organization of American States (OAS), adopted the following conclusions and recommendations for transmission, through the Permanent Council, to the General Assembly of the OAS at its thirty-sixth regular session.

I. DRAFT HEMISPHERIC PLAN OF ACTION AGAINST TRANSNATIONAL ORGANIZED CRIME

1. To express its satisfaction with the progress made in preparing the Draft Hemispheric Plan of Action against Transnational Organized Crime, and to urge states to continue making headway so that the negotiations can conclude as soon as possible.
2. Once the negotiation process concludes, to transmit the text agreed upon for the Draft Hemispheric Plan of Action against Transnational Organized Crime to the OAS General Assembly at its next regular session, pursuant to resolutions AG/RES. 2026 (XXXIV-O/04) and AG/RES. 2116 (XXXV-O/05), for adoption, and to move ahead with its implementation.
3. To keep the subject of hemispheric cooperation against transnational organized crime on the REMJA agenda and to report to REMJA-VII on the contents of the Plan of Action agreed to on this subject and on the specific actions undertaken under that Plan.
4. To take special care not to duplicate the efforts of other international bodies addressing this issue, especially at the United Nations. Accordingly, to encourage member states to take part in the next session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, pursuant to paragraphs "g" and "h" of Decision 2/2 of its second session.

II. PENITENTIARY AND PRISON POLICIES

1. To continue consolidating the exchange of information and cooperation among the authorities responsible for penitentiary and prison policies in the OAS member states. Likewise, to strengthen the exchange of information on the programs, methodologies, and training systems of the schools of criminological and penitentiary sciences in the member states, in order to facilitate the coordination of their activities and to plan joint training activities.
2. To convene, as soon as possible and prior to REMJA-VII, the Second Meeting of Officials Responsible for Penitentiary and Prison Policies of the OAS Member States.

3. To enhance, in the framework of the next meeting of those officials, the exchange of information and experiences as well as the strengthening of mutual cooperation on practical solutions for the problems of the states in the following areas, among others, agreed upon at the First Meeting (Recommendation 3): prison overcrowding; private sector participation in prison construction and maintenance, and private sector and NGO participation in provision of goods and services; inmate training, rehabilitation, and re-socialization programs; prison staff training and rules with an emphasis on transparency, the rule of law, and respect for human rights; crime in prisons; alternatives to imprisonment; and integration of penitentiary policies in criminal justice policies. In addition, pursuant to Recommendation 4 of the First Meeting, to consider and formulate recommendations for consolidating and perfecting the Internet-based information system in this field.
4. That, in the framework of the Second Meeting of Officials Responsible for Penitentiary and Prison Policies, member states begin considering, *inter alia*, the following topics:
 - a. Starting, with support from the Inter-American Commission on Human Rights through its Special Rapporteur on the Rights of Persons Deprived of Freedom, an analysis of actual conditions in penitentiaries and coordination regarding best practices and minimum prison standards;
 - b. The feasibility of preparing a hemispheric manual on penitentiary rights taking as a basis the United Nations Standard Minimum Rules for the Treatment of Prisoners;
 - c. Actions to promote the exercise by foreign inmates serving a sentence in a member state's penitentiary of the rights and benefits to which they are entitled under bilateral and multilateral treaties regarding the transfer of sentenced persons, especially the Inter-American Convention on Serving Criminal Sentences Abroad and the Council of Europe's Convention on the Transfer of Sentenced Persons, and to carry out a study of the best way to extend the practice of serving criminal sentences not involving imprisonment in the convicted person's country of origin or habitual residence;
 - d. The rights, duties, and care of persons subject to any form of detention or imprisonment, with a view to considering a possible inter-American declaration on the subject;
 - e. Evaluation of the role of judges responsible for monitoring the execution of sentences.
5. To take note of the presentation by the Special Rapporteur on the Rights of Persons Deprived of Freedom of the Inter-American Commission on Human Rights on best practices and penitentiary reform in the Hemisphere, with a view to its being considered by the aforementioned meeting.

6. Taking into account respective legal systems and constitutional structures, to request, to the extent possible, that the judicial authorities in criminal matters examine current practices with respect to pre-trial detention and imprisonment.

III. CYBERCRIME

1. To express its satisfaction with the outcomes of the Fourth Meeting of the Group of Governmental Experts on Cyber-Crime, held at OAS headquarters, on February 27 and 28, 2006, pursuant to the agreement reached in REMJA-V.
2. To adopt the recommendations made by the Group of Governmental Experts (OEA/Ser.K/XXXIV.6, REMJA-VI/doc.10/06) and request that its Chair report to the next REMJA on progress with respect to their implementation.
3. That, bearing in mind the recommendations adopted by the Group of Governmental Experts and by REMJA-V, and the progress made between that REMJA and this one, efforts continue to strengthen cooperation with the Council of Europe so that the OAS member states can give consideration to applying the principles of the Council of Europe's Convention on Cyber-Crime and to acceding thereto, and to adopting the legal and other measures required for its implementation. Similarly, that efforts continue to strengthen mechanisms for the exchange of information and cooperation with other international organizations and agencies in the area of cybercrime, such as the United Nations, the European Union, the Asia Pacific Economic Co-operation Forum, the Organisation for Economic Co-operation and Development (OECD), the G-8, the Commonwealth, and INTERPOL, in order for the OAS member states to take advantage of progress in those forums.
4. That member states establish specialized units to investigate cybercrime, and identify the authorities who will serve as the points of contact in this matter and expedite the exchange of information and obtaining of evidence. In addition, to foster cooperation in efforts to combat cybercrime among government authorities and Internet service providers and other private sector enterprises providing data transmission services.

IV. MUTUAL ASSISTANCE IN CRIMINAL MATTERS AND EXTRADITION

1. To express its satisfaction with the outcomes of the Second Meeting of Central Authorities and Other Experts on Mutual Assistance in Criminal Matters and Extradition, held in Brasilia, Brazil, from September 1 to 3, 2005, and the meetings of the OAS/REMJA Working Group on Mutual Assistance in Criminal Matters and Extradition, held at OAS headquarters on May 5 and 6, 2005, and November 9 and 10, 2005, and in Port-of-Spain, Trinidad and Tobago, on April 5 and 6, 2006; and, to the extent specific conclusions and recommendations of the Second Meeting have not been overtaken by the acts of subsequent meetings of the Working Group on Mutual Assistance in Criminal Matters and Extradition, to recommend the adoption

of the Conclusions and Recommendations of the Second Meeting; and in that regard to specifically recommend:

- a. That the member states that have not yet done so take the measures necessary for the effective implementation of the recommendations adopted at the First Meeting of Central Authorities and Other Experts on Mutual Legal Assistance in Criminal Matters and Extradition, with the aim of fully implementing those recommendations before the Third Meeting of Central Authorities and Other Experts on Mutual Assistance in Criminal Matters and Extradition (Third Meeting), and that at that meeting member states report on the decisions that have been taken in this regard;
- b. To accept Canada's offer to continue to coordinate the work of the Working Group until the later of the next Meeting of Central Authorities, or such time as a new coordinator is named;
- c. That member states, coordinated by the delegation of Argentina, continue to discuss and conclude the preparation of model legislation on mutual assistance in criminal matters, including provisions regarding the use of videoconferencing in this context; and that member states participating in this initiative should review and agree on the proposal at the Third Meeting, for presentation and consideration at REMJA-VII;
- d. That the member states continue to advance in the work coordinated by the delegations of Brazil and Mexico with respect to the studies and guidelines aimed at strengthening hemispheric cooperation in the area of extradition; and that the Third Meeting receive a report and its Chair inform REMJA-VII on the progress of this project;
- e. That member states, coordinated by the delegation of Trinidad and Tobago, continue to discuss the proposal regarding the preparation of model legislation for the "backing of warrants" in the area of extradition; and that the Chair of the Third Meeting report to REMJA-VII on the progress of this project;
- f. That member states, coordinated by the delegation of Canada, continue to discuss and conclude the preparation of the Guide to Best Practices in Mutual Legal Assistance in Criminal Matters; that the proposal be considered at the Third Meeting; and that the Chair of the Third Meeting report to REMJA-VII on the progress of this project;
- g. That member states that have not yet done so submit to the technical secretariat, before the Third Meeting, the information on the legal terms commonly used in their countries in the area of mutual assistance in criminal matters and extradition; that the technical secretariat continue systematizing that information and disseminating it through the private Internet Web pages of the Hemispheric Information Exchange Network for Mutual Legal

Assistance in Criminal Matters and Extradition; and that REMJA-VII be informed of progress in this area;

- h. To express appreciation for and accept the offer made by the delegation of Colombia to host the Third Meeting of Central Authorities and Other Experts on Mutual Assistance in Criminal Matters and Extradition.
2. To continue consolidating and strengthening the Hemispheric Information Exchange Network for Mutual Legal Assistance in Criminal Matters and Extradition, in its public, private, and secure electronic communication system components and, in that connection, to:
 - a. Express its appreciation to Canada for taking the lead in efforts to make this Network a reality and for the support and financing provided for its establishment and operations;
 - b. Request the OAS General Secretariat, in coordination with the Working Group, to continue providing the services needed to continue completing and updating the Network's public and private information components and to continue providing technical assistance and training in connection with the secure electronic communication system;
 - c. Recommend that the OAS General Secretariat identify means to finance and maintain the Network and explore permanent additional sources of funding, and call on member states to consider making contributions, to ensure the continuity and enhancement of this important and useful initiative;
 - d. Encourage the Third Meeting to consider formulating recommendations for developing reciprocal cooperation between the Network and other information exchange networks, including "IberRED."

V. DEVELOPMENT AND STRENGTHENING OF JUSTICE SYSTEMS IN THE REGION

REMJA-VI expresses its satisfaction with the *Report on Judicial Systems in the Americas 2004-2005*, prepared and presented by the Justice Studies Center of the Americas (JSCA), and requests the Center to continue contributing to the processes of reform and strengthening of the criminal justice systems of the member states, through its activities of research, evaluation, dissemination, training, and technical support. In this regard REMJA-VI urges the Center to continue publishing the above-mentioned Report.

VI. JUSTICE STUDIES CENTER OF THE AMERICAS (JSCA)

1. To recognize the efforts and activities of the JSCA reflected in its Report of Activities and encourage the Center to continue its valuable work.

2. To recognize that the Funding Plan presented by the Center at the request of REMJA-V envisions a program of suggested voluntary contributions by member states.
3. To recommend that this proposed plan of voluntary contributions be presented to the General Assembly at its next regular session for consideration, taking into account that voluntary contributions by member states are indispensable to fund the Center's basic operating costs.
4. To request that the Center include in its work plan additional activities contemplated by the REMJA, to the extent that additional resources are provided for such activities.

VII. HEMISPHERIC COOPERATION AGAINST TRAFFICKING IN PERSONS

1. To express its satisfaction with the holding of the Meeting of National Authorities on Trafficking in Persons, on Isla Margarita, Bolivarian Republic of Venezuela, from March 14 to 17, 2006, pursuant to the recommendation of REMJA-V and the mandates of the OAS General Assembly, contained in resolutions AG/RES. 2019 (XXXIV-O/04), AG/RES. 2026 (XXXIV-O/04), and AG/RES. 2118 (XXXV-O/05). To express its appreciation to the Government of the Bolivarian Republic of Venezuela for hosting that meeting, and to acknowledge its Conclusions and Recommendations, as set forth in document OEA/Ser.K/XXXIV.6, REMJA-VI/doc.8/06. OAS organs, agencies, entities, and mechanisms executing the various recommendations should adopt an integrated and crosscutting approach to this matter, as with other manifestations of transnational organized crime.
2. To keep the subject of trafficking in persons on the REMJA agenda, and to request that REMJA-VII be informed of progress with respect to the Conclusions and Recommendations of the Meeting of National Authorities on Trafficking in Persons.
3. That those states that have not yet done so consider signing, ratifying, or acceding to, as the case may be, the international instruments related to combating trafficking in persons, especially the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and that, as a first step toward implementing it, they define the crime of trafficking in persons in their domestic legislation.

VIII. HEMISPHERIC COOPERATION ON FORENSIC RESEARCH

1. To call on the OAS General Secretariat to coordinate training, skills-building, and cooperation in the area of forensic research, as duly requested by member states. Among other topics in this area, member states could focus on:

- a. Managing issues, practices, and needs related to forensic research;
- b. Establishing inter-institutional cooperation mechanisms in the area of forensic sciences, including exchange among member states of forensic evidence and acquired technical skills;
- c. Training and skills-building in various fields of forensic science, including forensic chemistry, forensic information technology, forensic analysis, and forensic medicine;
- d. Convening, as soon as possible and before REMJA-VII, a meeting of forensic specialists to assess the state of forensic science advances in the Hemisphere with the aim of promoting, among other issues, information sharing and practical cooperation in this field and the possible preparation of a database on industries specializing in the sale of forensic laboratory equipment, in order to take advantage of the most affordable purchasing options.

IX. HEMISPHERIC LEGAL COOPERATION ON CIVIL, TRADE, AND FAMILY LAW ISSUES: THE ROLE OF CENTRAL AUTHORITIES

1. To consider promoting the exchange of national experiences and legal and judicial cooperation in the framework of the inter-American system, for those member states that are parties to the various inter-American conventions on civil, trade, and family law issues.
2. To recommend to member states that they designate central authorities under the various conventions of the inter-American system that so require and to which they are a party.
3. To request the OAS General Secretariat to collect and post that information on the OAS Internet Website.

X. THE REMJA PROCESS

REMJA-VI recommends continuing progress toward strengthening the hemispheric cooperation processes developed in the REMJA framework and to that end agrees on the following:

1. Between successive REMJAs, the Chair of the most recent REMJA would continue to act in that capacity until the selection of his/her successor at the subsequent REMJA. The REMJAs should be held every two years.
2. The Chair of the REMJA will convene, together with the country that served as the previous Chair, a technical meeting open to all member states, with the support of the OAS General Secretariat, which will prepare a comprehensive draft document on the

REMJA process and submit it to REMJA-VII for consideration. This draft proposal should address, *inter alia*, the following matters:

- a. The organization and modus operandi of the REMJA and the mechanisms and procedures for establishing its agenda and following up on its recommendations;
 - b. Relationships between the REMJA and the various groups that it has established, may establish, or may terminate, as appropriate. For each group the Regulations shall address, among other things, its respective sphere of competence;
 - c. Coordination and/or cooperation relationships with the pertinent organs, agencies, entities, and mechanisms of the OAS;
 - d. Coordination and/or cooperation relationships with other related cooperation processes, such as those between judicial authorities at the subregional level, or in the framework of other international organizations;
 - e. Relationship between the REMJA and the Justice Studies Center of the Americas (JSCA);
 - f. Technical secretariat and administrative support for the REMJA provided by the OAS General Secretariat.
3. To accept 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, and to report thereon to the technical meeting referred to in paragraph 2, or to REMJA-VII, whichever takes place earlier.
 4. Subject to existing and extra-budgetary resources, that the technical and administrative support for the meetings referred to in paragraphs 2 and 3 be provided by the OAS General Secretariat.

XI. ACKNOWLEDGEMENTS

To thank the authorities of the Dominican Republic for the outstanding efforts and efficient work of the Chair of the plenary and of the Chair of the drafting working group, Ambassador Roberto Álvarez. Both tasks were diligently performed by the host country and were fundamental to the success of this meeting.

SIXTH MEETING OF MINISTERS OF JUSTICE
OR OF MINISTERS OR ATTORNEYS GENERAL
OF THE AMERICAS
April 24 – 26, 2006
Santo Domingo, Dominican Republic

OEA/Ser.K/XXXIV.6
REMJA-VI/RES.1/06
26 April 2006
Original: Spanish

REMJA-VI/RES.1/06

CONGRATULATIONS TO THE PRESIDENT AND VICE PRESIDENTS
OF THE SIXTH MEETING OF MINISTERS OF JUSTICE OR OF MINISTERS
OR ATTORNEYS GENERAL OF THE AMERICAS

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

RECOGNIZING the outstanding chairmanship of the Sixth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas by its President, Judge Francisco Domínguez Brito, Attorney General of the Dominican Republic, and its Vice Presidents, Dr. Alejandro Tudela Chopitea, Minister of Justice of Peru; Dr. Alberto Novoa Espinoza, Minister of Justice of the Republic of Nicaragua, and Dr. John Jeremie, Attorney-General of Trinidad and Tobago,

RESOLVES:

To congratulate the President and Vice Presidents of the Sixth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, for their efficiency and competence in directing the work of the meeting.

SIXTH MEETING OF MINISTERS OF JUSTICE
OR OF MINISTERS OR ATTORNEYS GENERAL
OF THE AMERICAS
April 24-26, 2006
Santo Domingo, Dominican Republic

OEA/Ser.K/XXXIV.6
REMJA-VI/RES.2/06
26 April 2006
Original: Spanish

REMJA-VI/RES.2/06

PLACE AND DATE OF THE SEVENTH MEETING OF MINISTERS OF JUSTICE
OR OF MINISTERS OR ATTORNEYS GENERAL OF THE AMERICAS
(REMJA-VII)

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

CONSIDERING the offer by the Government of the United States of America to host the
Seventh Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas,

RESOLVES:

1. To appreciate and accept the generous offer of the Government of the United States to host the Seventh Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, to be held in 2008.
2. To forward this resolution to the General Assembly at its thirty-sixth regular session.

SEXTA REUNIÓN DE MINISTROS DE JUSTICIA
O DE MINISTROS O PROCURADORES GENERALES
DE LAS AMÉRICAS
24 al 26 de abril de 2006
Santo Domingo, República Dominicana

OEA/Ser.K/XXXIV.6
REMJA-VI/doc.1/06 rev. 4
4 agosto 2006
TEXTUAL

LISTA DE DOCUMENTOS REGISTRADOS POR LA SECRETARÍA
HASTA EL 4 DE AGOSTO DE 2006

Clasificación y No. de trabajo OEA/Ser.K/XXXIV.6	Título⁶	Idioma⁷
REMJA-VI/doc.		
REMJA-VI/doc.1/06 MJ00320	Lista de documentos registrados por la Secretaría al 21 de abril de 2006	Textual
REMJA-VI/doc.1/06 rev. 1 MJ00354	Lista de documentos registrados por la Secretaría al 26 de abril de 2006	Textual
REMJA-VI/doc.1/06 rev. 2 MJ00377	Lista de documentos registrados por la Secretaría al 16 de mayo de 2006	Textual
REMJA-VI/doc.1/06 rev. 3 MJ00385	Lista de documentos registrados por la Secretaría al 22 de junio de 2006	Textual
REMJA-VI/doc.1/06 rev. 4 MJ00389	Lista de documentos registrados por la Secretaría al 4 de agosto de 2006	Textual
REMJA-VI/doc.2/06 MJ00321	Proyecto de temario	E I F P
REMJA-VI/doc.2/06 rev. 1 MJ00339	Proyecto de temario	E I F P
REMJA-VI/doc.2/06 rev. 2 MJ00344	Proyecto de temario	E I F P

6. Título registrado en el idioma original.

7. E= español, I= inglés, F =francés, P= portugués.

REMJA-VI/doc.2/06 rev. 3 MJ00349	Proyecto de temario	E I F P
REMJA-VI/doc.2/06 rev. 4 MJ00357	Temario (Aprobado en la primera sesión plenaria celebrada el 24 de abril de 2006)	E I F P
REMJA-VI/doc.3/06 MJ00322	Proyecto de calendario	E I F P
REMJA-VI/doc.3/06 rev. 1 MJ00345	Proyecto de calendario	E I F P
REMJA-VI/doc.3/06 rev. 2 MJ00347	Proyecto de calendario	E I F P
REMJA-VI/doc.3/06 rev. 3 MJ00348	Proyecto de calendario	E I F P
REMJA-VI/doc.3/06 rev. 4 MJ00353	Proyecto de calendario	E I F P
REMJA-VI/doc.3/06 rev. 5 MJ00356	Calendario (Aprobado en la primera sesión plenaria celebrada el 24 de abril de 2006)	E I F P
REMJA-VI/doc.4/06 MJ00323	Nota de la Misión Permanente de la República Dominicana remitiendo el proyecto de temario	E I F P
REMJA-VI/doc.5/06 MJ00324	Nota de la Misión Permanente de Chile solicitando la inclusión de tres puntos en el temario	E I F P
REMJA-VI/doc.6/06 MJ00326	Nota de la Misión Permanente de Argentina solicitando la inclusión de dos puntos en el temario	E I F P
REMJA-VI/doc.7/06 MJ00325	Lista de participantes (versión provisional)	Textual
REMJA-VI/doc.7/06 rev. 1 MJ00360	Lista de participantes	Textual
REMJA-VI/doc.7/06 rev. 2 MJ00373	Lista de participantes	Textual
REMJA-VI/doc.7/06 rev. 3 MJ00378	Lista de participantes	Textual
REMJA-VI/doc.8/06 MJ00328	Conclusiones y recomendaciones de la Reunión de Autoridades Nacionales en Materia de Trata de Personas	E I F P

REMJA-VI/doc.9/06 MJ00329	Propuesta de plan de financiamiento para el Centro de Estudios de Justicia de las Américas (CEJA)	E I F P
REMJA-VI/doc.10/06 MJ00331	Recomendaciones de la IV Reunión del Grupo de Expertos Gubernamentales en Materia de Delito Cibernético	E I F P
REMJA-VI/doc.11/06 MJ00332	Recomendaciones de la II Reunión de Autoridades Centrales y Otros Expertos en Asistencia Mutua en Materia Penal y Extradición	E I F P
REMJA-VI/doc.12/06 MJ00333	Recomendaciones de la Reunión de Autoridades Responsables de las Políticas Penitenciarias y Carcelarias	E I F P
REMJA-VI/doc.13/06 MJ00334	Informe anual de las actividades realizadas por la sección contra la trata de personas de la Organización de los Estados Americanos	E I F P
REMJA-VI/doc.14/06 MJ00335	Note from the Delegation of Canada referring to the Draft Agenda for the Sixth Meeting	E I F P
REMJA-VI/doc.15/06 MJ00336	Nota de la Delegación de México remitiendo observaciones y propuestas al proyecto de temario de la Sexta Reunión	E I F P
REMJA-VI/doc.15/06 add. 1 MJ00338	Nota de la Delegación de México remitiendo observaciones y propuestas adicionales al proyecto de temario de la Sexta Reunión	E I F P
REMJA-VI/doc.16/06 MJ00340	La cooperación jurídica hemisférica en materia civil, comercial y de familia: El papel de las autoridades centrales	E I
REMJA-VI/doc.17/06 MJ00351	Note from the Permanent Mission of Trinidad and Tobago requesting the inclusion of two items on the REMJA_VI agenda	E I F P
REMJA-VI/doc.18/06 MJ00352	Informe de avance de la negociación del Proyecto de Plan de Acción Hemisférico contra la Delincuencia Organizada Transnacional (Presentado por el Presidente de la Comisión Especial sobre Delincuencia Organizada Transnacional del Consejo Permanente de la Organización de los Estados Americanos)	E I F P

REMJA-VI/doc.18/06 corr.1 MJ00374	Informe de avance de la negociación del Proyecto de Plan de Acción Hemisférico contra la Delincuencia Organizada Transnacional (Presentado por el Presidente de la Comisión Especial sobre Delincuencia Organizada Transnacional del Consejo Permanente de la Organización de los Estados Americanos)	P
REMJA-VI/doc.19/06 MJ00369	Proyecto de resolución: Felicitaciones a la presidencia y vicepresidencias de la reunión	E I F P
REMJA-VI/doc.20/06 MJ00370	Proyecto de resolución: Sede y fecha de la Séptima Reunión de Ministros de Justicia, Ministros o Procuradores Generales de las Américas (REMJA-VII)	E I F P
REMJA-VI/doc.21/06 MJ00372	Conclusiones y recomendaciones de la REMJA-VI (Aprobado en la sesión plenaria celebrada el 26 de abril de 2006)	E I F P
REMJA-VI/doc.21/06 rev. 1 MJ00387	Conclusiones y recomendaciones de la REMJA-VI (Aprobadas en la quinta sesión plenaria celebrada el 26 de abril de 2006 y revisadas por la Comisión de Estilo en las sesiones celebradas los días 19 y 21 de julio y 3 de agosto de 2006)	E I F P
REMJA-VI/doc.22/06 MJ00382	Observaciones de la Delegación del Ecuador presentadas ante la REMJA VI a los proyectos de legislación modelo, mejores prácticas y capacitación que se encuentran bajo la consideración de los subcomités del Grupo de Trabajo en Asistencia Mutua en Materia Penal y Extradición	Textual
REMJA-VI/doc.23/06 MJ00383	Nota de la Delegación de la República Bolivariana de Venezuela remitiendo las observaciones de su gobierno al proyecto de recomendaciones de la REMJA VI	Textual
REMJA-VI/doc.24/06 MJ00384	Informe final de la Sexta Reunión de Ministros de Justicia o de Ministros o Procuradores Generales de las Américas	E I F P
REMJA-VI/doc.24/06 rev. 1 MJ00388	Informe final de la Sexta Reunión de Ministros de Justicia o de Ministros o Procuradores Generales de las Américas	E I F P

REMJA-VI/RES.

REMJA-VI/RES.1/06 MJ00375	Felicitaciones a la presidencia y vicepresidencias de la reunión	E I F P
REMJA-VI/RES.2/06 MJ00376	Sede y fecha de la Séptima Reunión de Ministros de Justicia o de Ministros o Procuradores Generales de las Américas REMJA-VII	E I F P

REMJA-VI/INF.

REMJA-VI/INF.1/06 MJ00330	Conclusiones y recomendaciones de la REMJA-V	E I F P
REMJA-VI/INF.2/06 MJ00341	La criminalidad: Un desafío global, una respuesta mundial	E I F
REMJA-VI/INF.3/06 MJ00342	Convenio sobre el cibercrimen	TEXTUAL
REMJA-VI/INF.4/06 MJ00343	Estado actual e información faltante del componente público de la Red de Intercambio de Información en Asistencia Mutua en Materia Penal y Extradición List of existing as well as missing information from the public area of the Hemispheric Information Exchange Network for Mutual Legal Assistance in Criminal Matters and Extradition	TEXTUAL
REMJA-VI/INF.5/06 MJ00355	Address by Ambassador Albert R. Ramdin, Assistant Secretary General of the Organization of American States	E I F P
REMJA-VI/INF.6/06 MJ00359	Autoridades	E I F P
REMJA-VI/INF.7/06 MJ00363	Allocution de M. Guy De Vel, Directeur général des affaires juridiques du Conseil de l'Europe	I F
REMJA-VI/INF.8/06 MJ00365	Comentarios de la Asociación Ibero Americana de Ministerios Públicos en relación con la propuesta y discusión de la institucionalización del proceso REMJA	E

REMJA-VI/INF.9/06 MJ00368	Remarks by Ambassador Albert R. Ramdin, Assistant Secretary General of the OAS at the closing session	E I F P
REMJA-VI/INF.10/06 MJ00386	Note from the Permanent Mission of Canada transmitting documents by the Coordinator of the Working Group on Mutual Legal Assistance in Criminal Matters and Extradition	E I
REMJA-VI/GT-		
REMJA-VI/GT-1/06 MJ00358	Proyecto de recomendaciones (Presentado por la Delegación de la República Dominicana)	E I F P
REMJA-VI/GT-1/06 rev. 1 MJ00362	Proyecto de recomendaciones	E I F P
REMJA-VI/GT-1/06 rev. 2 MJ00364	Proyecto de recomendaciones	E I F P
REMJA-VI/GT-1/06 rev. 3 MJ00366	Proyecto de recomendaciones	E I F P
REMJA-VI/GT-1/06 rev. 4 MJ00371	Proyecto de recomendaciones	E I F P
REMJA-VI/GT-2/06 MJ00361	Propuesta de recomendación en relación con la “Institucionalización del proceso de las REMJA”	E I F P
REMJA-VI/GT-2/06 rev. 1 MJ00367	Propuesta de recomendación en relación con la “Institucionalización del proceso de las REMJA”	E I F P