

THIRD MEETING OF MINISTERS OF JUSTICE
OR OF MINISTERS OR ATTORNEYS GENERAL
OF THE AMERICAS
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CONCLUSIONS AND RECOMMENDATIONS

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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 OAS framework through 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 thirtieth regular session of the General Assembly.

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:

- 1.1 Identify one or more agencies within their country that will have primary authority and responsibility to investigate and prosecute cyber crime;
- 1.2 Take steps to enact legislation covering cyber crime, if they have not already done so;
- 1.3 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;
- 1.4 Determine their training needs in the area of cyber crime and explore bilateral, regional, and multilateral cooperation mechanisms to meet those needs;
- 1.5 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;
- 1.6 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;
- 1.7 Consider various measures, including setting up a Voluntary Specific Fund, to support efforts to expand cooperation on this matter in the Hemisphere;
- 1.8 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;
- 1.9 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:

- 2.1 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;
- 2.2 Invites the OAS to disseminate that information through its web page;
- 2.3 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 respective executive and judicial branches;
- 2.4 Emphasizes the need to promote heightened awareness among members of the legislative and judicial branches regarding their responsibility with respect to extradition;
- 2.5 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 containing information on the different legal systems in the Hemisphere should rely as far as possible on electronic communications media, especially the Internet;
- 2.6 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:

- 3.1 Invites member states of the OAS to seek ways to reduce overcrowding in prisons, making use, *inter alia*, of alternatives to imprisonment;
- 3.2 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;
- 3.3 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;

3.4 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;

3.5 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:

4.1 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, to broaden access to flexible and expeditious judicial and extrajudicial means of conflict resolution that will contribute to democratic development;

4.2 Urges member states of the OAS with experience in this field to offer their cooperation in developing and fostering these alternative mechanisms;

4.3 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;

4.4 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;

4.5 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:

5.1 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;

5.2 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;

- 5.3 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;
- 5.4 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;
- 5.5 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;
- 5.6 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;
- 5.7 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. These conclusions and recommendations are addressed, as appropriate, to the member states of the OAS, its political and advisory organs, the General Secretariat, and other inter-American entities.