

SECOND MEETING OF MINISTERS OF JUSTICE
OR OF MINISTERS OR ATTORNEYS GENERAL
OF THE AMERICAS
March 1-3, 1999
Lima, Peru

OEA/Ser.K/XXXIV.2
REMJA-II/doc.18/9 rev.1
3 March 1999
Original: Spanish

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

CONCLUSIONS AND RECOMMENDATIONS

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:

- Extradition “checklists”, glossaries of commonly-used legal terms, and similar instruments of simplified guidance and explanation on extradition and related processes;
- Sample forms for intergovernmental requests for mutual legal assistance;
- 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.

V. Venue of the Third and Fourth Meetings of Ministers of Justice or of Ministers or Attorneys General of the Americas

- A. To accept with gratitude the offer of the Government of Costa Rica to host the Third Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas and agree that the agenda for that meeting should be prepared within the OAS.

- B. To accept with gratitude the offer of the Government of Trinidad and Tobago to host the Fourth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas and agree that the agenda for that meeting should be prepared within the OAS.