

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

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**RECOMMENDATIONS OF 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**

I. BACKGROUND

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 accordance with 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.4/04 rev. 5 corr. 1, paragraph 9), and of Resolutions AG/RES. 2034 (XXXIV-O/04, operative paragraph 6.c) and CP/RES. 875 (1460/05), was held at the headquarters of the Organization, in Washington, D.C., on March 28 and 29, 2005.

Key events leading up to the meeting:

- The Inter-American Convention against Corruption, adopted at the OAS Specialized Conference, held in Caracas, Venezuela, in March 1996.

- The Declaration of Nuevo León, adopted at the Special Summit of the Americas, held in Monterrey, Mexico, in January 2004, at which the Heads of State and Government said that “[i]n the framework of applicable national and international law, we commit to deny safe haven to corrupt officials, to those who corrupt them, and their assets; and to cooperate in their extradition as well as in the recovery and return of the proceeds of corruption to their legitimate owners. We also commit to enhance regional mechanisms for mutual legal assistance in criminal matters and their implementation.”

- The Conclusions and Recommendations on Concrete Measures to Strengthen MESICIC (SG/MESICIC/doc.103/04 rev. 6), adopted by the Conference of States Parties, in April 2004.

- The Conclusions and Recommendations of the Fifth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA-V) (REMJA-V/doc.7/04 rev.4), held at OAS headquarters in April 2004, which said that “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.”

- The Declaration of Quito on Social Development and Democracy, and the Impact of Corruption (AG/DEC. 36 (XXXIV-O/04)), adopted by the OAS General Assembly at its thirty-fourth regular session, in Quito, Ecuador, in June 2004, which undertook “in the framework of applicable national and international law, to deny safe haven to corrupt officials, to those who corrupt them, and the proceeds of corruption; and to cooperate in their extradition as well as in the recovery and return of those proceeds of corruption to their legitimate owners and enhance regional mechanisms for mutual legal assistance in criminal matters.”

- Resolutions AG/RES. 2022 (XXXIV-O/04), “Joint Efforts of the Americas in the Struggle against Corruption and Impunity”; and AG/RES. 2034 (XXXIV-O/04), “Follow-up on the Inter-American Convention against Corruption and its Program for Cooperation,” adopted by the OAS General Assembly at its thirty-fourth regular session, in Quito, Ecuador, in June 2004.

- The Declaration of Managua (EPCICOR/doc.5/04 rev.6) and 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.4/04 rev.5 corr.1), adopted at the Meeting of the States Parties to the Inter-American Convention against Corruption, held in Nicaragua in July 2004, which reiterate the commitment that “[i]n accordance with applicable national and international law, the States Parties shall deny safe haven to corrupt officials and to those who corrupt them, cooperate in their extradition, and deny the entry and attempt the recovery and return of the proceeds of corruption to their legitimate owners.”

## II. RECOMMENDATIONS

Bearing in mind the above-mentioned background information and the assigned mandate, upon concluding their discussions, the Experts decided to put forward the following recommendations designed to strengthen hemispheric 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:

1. That the States that have not yet done so consider adopting the measures necessary to sign and ratify, ratify, or accede to, as appropriate:

- a. The 2003 United Nations Convention against Corruption (Mérida Convention);
- b. The 1996 Inter-American Convention against Corruption;
- c. The 1992 Inter-American Convention on Mutual Assistance in Criminal Matters;
- d. The 1981 Inter-American Convention on Extradition.

2. That the States that have not yet done so take the necessary steps to adopt in their respective legal frameworks such laws and other provisions as may be necessary to facilitate and ensure implementation of the treaties to which they are party and international cooperation, *inter alia*, in the area of mutual legal assistance in criminal matters, extradition, and recovery of the proceeds of corruption.

3. That the States, in accordance with their domestic law, adopt the measures necessary to strengthen information exchange and increase the effectiveness of cooperation among the competent law-enforcement authorities, organs, and services, at both the national and the international level, in connection with acts of corruption.

4. That the States consider adopting “measures for direct recovery of property” and “mechanisms for recovery of property through international cooperation in confiscation,” taking into account, as appropriate, Articles 53 and 54 of the United Nations Convention against Corruption.

5. That the States take the necessary steps to have in place a comprehensive domestic regime in order to deter and detect all forms of money-laundering related to acts of corruption, as well as to strengthen international cooperation to combat this crime, including implementation of the 40 revised recommendations of the Financial Action Task Force on Money Laundering (FATF) and, as appropriate, the measures agreed to by the Caribbean Financial Action Task Force (CFATF) and the Financial Action Task Force of South America (GAFISUD). For the purposes of the foregoing, the experts also recommend that the States bear in mind the developments in the framework of the OAS/CICAD, including the Model Regulations adopted by CICAD in this area.

6. That, in accordance with Article III (8) of the Inter-American Convention against Corruption, the States create, maintain, or strengthen “systems for protecting public servants and private citizens who, in good faith, report acts of corruption, including protection of their identities, in accordance with their Constitutions and the basic principles of their domestic legal systems.”

7. That efforts continue, in the framework of the activities of the Committee of Experts on the Follow-Up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC), and in accordance with the decisions adopted in its first evaluation round, to strengthen cooperation through the review of the implementation by States Parties of the provisions contained in that treaty, and that the States Parties implement the recommendations that have been or may be made to them by that committee.

8. That the States that have not yet done so adopt the necessary measures to implement as soon as possible the Recommendations of the First Meeting of Central Authorities and Other Experts on Mutual Legal Assistance in Criminal Matters (OEA/Ser. K/XXXIV.5 REMJA-V/doc.4), held in Ottawa, Canada, in 2003, in the framework of the Meetings of Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA).

9. That the OAS REMJA group on mutual legal assistance in criminal matters consider, in accordance with resolution AG/RES. 2040 (XXXIV-O/04), at the second meeting of experts on mutual legal assistance in criminal matters, to be held in Brasilia, Brazil, *inter alia*, the formulation of concrete recommendations to strengthen hemispheric cooperation in the area of mutual legal assistance in criminal matters and extradition in connection with acts of corruption, in order to ensure the effectiveness, efficiency, and promptness of said cooperation, to which end they should take into account the responses given by the States to the questionnaire prepared for this meeting and the review of those answers prepared by the General Secretariat of the OAS.

10. That efforts continue for consolidation of the “Hemispheric Information Exchange Network for Mutual Legal Assistance in Criminal Matters,” created in the framework of the REMJA; that the States participate actively in the public and private components and in the secure electronic mail system of the network; and that this instrument be used as effectively as possible to strengthen hemispheric cooperation in the area of mutual legal assistance and extradition in connection with acts of corruption.

That said Network be considered a means of facilitating information exchange among competent authorities on developments related to the thematic areas addressed at this meeting.

Likewise, that responses to the questionnaire prepared prior to this meeting be posted on the restricted page of the aforementioned network, together with the corresponding clarifications, corrections, and updates and a review of those answers prepared by the OAS General Secretariat, except when states have expressly requested that their responses not be posted.

It is also proposed that the Hemispheric Network contain a directory of central authorities in the fight against corruption.

Lastly, it is recommended that a specific area for corruption be established in the secure electronic mail system to facilitate the exchange of information and the transmission of requests for mutual legal assistance in that field, in those cases where states may have central authorities different from those for mutual legal assistance in criminal matters.

11. That efforts continue in order to strengthen information exchange and cooperation between mechanisms created in the OAS and those implemented in the framework of other international organizations or forums in the area of recovery and return of the proceeds of corruption to their legitimate owners, mutual legal assistance in criminal matters, and extradition, and that, to that end, that the OAS General Secretariat, through the Department of Legal Affairs and Services, take steps for the joint implementation of training and technical assistance programs for competent authorities in the OAS member states.