

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

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Fourth Meeting of the Working Group on Mutual Assistance in Criminal Matters and Extradition  
March 31, April 1-2, 2009  
San Salvador, El Salvador

**RECOMMENDATIONS  
OF THE FOURTH MEETING OF THE WORKING GROUP ON MUTUAL ASSISTANCE  
IN CRIMINAL MATTERS AND EXTRADITION OF THE REMJA**

The Working Group on Mutual Assistance in Criminal Matters and Extradition of the REMJA (the Working Group) held its Fourth Meeting in San Salvador, El Salvador, on March 31, April 1, and April 2, 2009, in accordance with the provisions of the “Document of Washington” (REMJA-VII/doc.6/08 rev. 1), the Conclusions and Recommendations of REMJA-VII (REMJA-VII/doc.7/08 rev. 1), and resolution AG/RES. 2369 (XXXVIII-O/08) of the OAS General Assembly.

The first day was dedicated to conducting a training workshop on the use of the Secure Electronic Communication System of the Hemispheric Information Exchange Network for Mutual Assistance in Criminal Matters and Extradition (Criminal Matters Network). Plenary sessions were held in the next two days as scheduled in the agenda adopted for the meeting.

In keeping with the second paragraph of provision 18 of the Document of Washington, the meeting was chaired by the delegation of El Salvador. It was decided, as established in the last paragraph under said provision, that the delegations of the states that came after the Chair, in alphabetical order in Spanish, would be the Vice Chairs *ex officio* and would replace the Chair in the event of any impediment thereto.

After completing its deliberations, the Working Group adopted the following recommendations to be submitted to the Eighth Meeting of Ministers of Justice or Other Ministers or Attorneys General of the Americas (REMJA-VIII):

**I. MUTUAL ASSISTANCE IN CRIMINAL MATTERS AND EXTRADITION**

1. That states which have not already done so, implement the recommendations agreed upon in the previous meetings of the Group and the REMJAs, regarding the adoption of specific measures to ensure that mutual assistance in criminal matters, extradition, and preventive seizure, seizure, and confiscation of assets is prompt, effective, and efficient. Also, that, prior to REMJA-VIII, the Technical Secretariat gather information from the states on progress made to date regarding the various issues addressed in the recommendations of previous meetings and compile the data in aggregate form in a hemispheric report to be submitted at that meeting.

2. To express its satisfaction with the publication and dissemination of the “Model Law on Mutual Assistance in Criminal Matters,” as well as the guide to “best practices with regard to obtaining statements, documents, and physical evidence”; the guide to “best practices with regard to mutual assistance in the investigation, freezing, confiscation, and seizure of assets that are the product or the instruments of crime”; and the “form on legal cooperation in criminal matters.” In this regard, it is recommended that the states continue to give these documents due consideration and to make the most effective use of them in the areas they address.

3. That states which have not yet done so, provide the Technical Secretariat of the REMJA with information on legal and other measures taken regarding preventive seizure, confiscation, and seizure of assets, in order to disseminate the information through the Criminal Matters Network and to use that information as the basis for discussing actions aimed at strengthening hemispheric cooperation in this area.

4. To take note of the work done by some of the members of this Working Group in a workshop organized by the former Chair (Colombia) and Vice Chair (Canada) and hosted by Trinidad and Tobago from March 5 to 7, 2008. The documents generated by this workshop focusing on legal standards that apply to mutual legal assistance and matters relating to proceeds of crime are to be published on the private component of the Hemispheric Information Exchange Network for Mutual Assistance in Criminal Matters and Extradition.

5. To consider drafting an efficient and expeditious inter-American legal instrument on extradition, which would include the progress made and new institutes developed in the bilateral and subregional level, with a view to strengthening cooperation in this area.

6. To express its concurrence with recent advances made at the subregional level with the adoption of the Central American Treaty on Arrest Warrants and Simplified Extradition Procedures in the framework of the Central American Integration System (SICA) on December 2, 2005, and the CARICOM Arrest Warrant Treaty on July 4, 2008, and with consideration being given to the proposal for a “MERCOSUR Arrest Warrant (MMC),” in accordance with the discussions held at the Twenty-ninth Meeting of Ministers of Justice (June 2008) and at the Sixth Meeting of Supreme Courts of MERCOSUR Members and Associated States (November 2008). Also, to urge OAS member states to continue to work on bilateral or subregional cooperation in this area and to strengthen the exchange of related information and experiences, and to encourage states to continue to share information on the latest developments in this regard with the Working Group and with REMJA.

7. To continue to promote the development of training programs in areas related to legal international cooperation in criminal matters and extradition; to continue to encourage the exchange of information on the subject through, among other means, workshops, the Criminal Matters Network and the “Legal Cooperation Bulletin,” published and distributed by the Technical Secretariat of REMJA; and to continue to facilitate the participation of governmental authorities and experts in those training programs.

8. To continue strengthening coordination, information exchange, and cooperation between this Working Group and the Technical Group on Transnational Organized Crime in areas of common interest.

9. That member states which not yet done so, provide or update information on the legal terminology commonly used in each state with regard to criminal matters and extradition and that the Technical Secretariat continue to compile and disseminate that information through the Criminal Matters Network.

10. That the member states, as necessary, and in full observance of the principles of their legal systems, review domestic laws and enforcement mechanisms, with a view towards modernizing the tools to combat current and emerging transnational organized crime challenges, including implementation of laws and other measures.

## **II. HEMISPHERIC INFORMATION EXCHANGE NETWORK FOR MUTUAL ASSISTANCE IN CRIMINAL MATTERS AND EXTRADITION (“CRIMINAL MATTERS NETWORK”)**

1. To recognize the progress made by the OAS General Secretariat in institutionalizing, consolidating, maintaining, expanding, and securing financing for the Criminal Matters Network, demonstrated by, among other things, the fact that, as of the date of this meeting, memoranda of understanding have been signed with 39 institutions in 30 member states; that 136 employees of these institutions participate in the Secure Electronic Communication System; and that new users of this system have been trained in the training workshop held within the framework of this meeting and through the on-line training program accessible through the “Educational Portal of the Americas,” and by the fact that all relevant documents of the public and private components of the Network have been updated and translated into the four official languages of the OAS.

2. To continue to take advantage of communications technology to develop and use new tools to facilitate cooperation in mutual assistance in criminal matters and extradition within the framework of the Network. In this regard, to express its satisfaction with the development of electronic tools to send and respond, in a secure manner, to requests for mutual assistance in criminal matters; with the dictionary of legal terms for mutual assistance in criminal matters and extradition translated into the four official languages of the OAS; and with the use of secure videoconferencing. Also, to support efforts to move forward in the development of a pilot phase on the use of secure videoconferences and to report on the progress made at REMJA-VIII and at the next meeting of the Working Group.

3. To begin a process of informal consultations, under the leadership of El Salvador and with support from the Technical Secretariat of REMJA, with regard to the possible advantage of developing an inter-American legal tool, supplementing those already in existence, for the purpose, among others, of facilitating the use of new communications technologies for cooperation in mutual assistance in criminal matters and extradition.

4. To underscore the value of the “Legal Cooperation Bulletin” and to request the Technical Secretariat of the REMJA to continue the effort and to encourage the states to contribute information to the bulletin.

5. To express its gratitude to Spain for providing financing for the Training Workshop and for the operations and improvement of the Criminal Matters Network, and for enabling the exchange of information to develop practical methods of mutual cooperation between the Network in Criminal Matters and IberRed (Ibero-American International Judicial Cooperation Network in Criminal and Civil Matters).

6. To request the General Secretariat of the OAS to, in line with available resources, to continue providing services for maintenance, updating, support, and technical assistance to the Criminal Matters Network; for training to personnel who participate in the Secure Electronic Communication System; and for the development of new cyber tools to facilitate cooperation in mutual assistance in criminal matters and extradition. Likewise, to request the General Secretariat of the OAS to inform the REMJA and the Working Group at their next meetings of the progress made in these areas.

### **III. WITNESS AND VICTIM PROTECTION**

1. In accordance with recommendation I.3(j) of REMJA-VII, to ensure the effective protection of victims and witnesses in criminal proceedings, and, at the same time, through prompt cooperation mechanisms, to advocate for their relocation in accordance with domestic legislation, in concert with Articles 24 and 25 of the United Nations Convention against Transnational Organized Crime, and to urge OAS member states that have not already done so to enact, within their legal framework, legislation and other necessary measures to afford such protection.

2. Based on the information provided by the states, that the Technical Secretariat of the REMJA compile legislation and other measures enacted by OAS member states regarding witness and victim protection and to make that information available to the states through the Criminal Matters Network.

3. Based on information provided by the states, that the Technical Secretariat of the REMJA publish and update a directory of authorities directly responsible for witness and victim protection programs in OAS member states.

4. That REMJA-VIII discuss, with appropriate notice to member states, whether it would be advantageous to convene a meeting of authorities directly responsible for witness and victim protection programs in OAS member states to, among other purposes, facilitate cooperation and the exchange of information and experiences among them.

5. That, taking into account national, regional, and international developments in this area, all parties involved should move forward in developing and discussing a model bilateral agreement that would help states improve mutual cooperation in the area of witness and victim protection.

#### **IV. COOPERATION WITH OTHER INTERNATIONAL NETWORKS, ORGANIZATIONS AND PROCESSES ON CRIMINAL MATTERS**

1. To express its appreciation to the representatives of the Ibero-American International Legal Cooperation Network (IberRed); the European Judicial Network (EJN), the United Nations Office on Drugs and Crime (UNODC), the International Criminal Court, and the Ministry of Justice of Spain for their participation in this meeting.

2. That the Technical Secretariat of the REMJA continue to encourage and strengthen the exchange of information and cooperation with other networks, organizations and international cooperation processes on criminal matters, such as those that participated in this meeting.

#### **V. VENUE OF THE FIFTH MEETING**

To gratefully accept the offer of the delegation of Paraguay to host the Fifth Meeting of the Working Group on Mutual Assistance in Criminal Matters and Extradition of the REMJA.

#### **VI. ACKNOWLEDGEMENTS**

To thank El Salvador for its hospitality and to congratulate it for its outstanding efforts in hosting this meeting. Likewise, to thank the OAS General Secretariat for its hard work and support in making the meeting a success.