

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

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Seventh Meeting of the Working Group on Legal  
Cooperation in Criminal Matters  
December 10 and 11, 2018  
Washington, D.C.

**RECOMMENDATIONS OF THE SEVENTH MEETING OF THE WORKING GROUP  
OF THE REMJA ON LEGAL COOPERATION IN CRIMINAL MATTERS**

The Working Group of the REMJA on Legal Cooperation in Criminal Matters (hereinafter "the Working Group") held its Seventh Meeting in Washington, D.C. on December 10 and 11, 2018, pursuant to the "Document of Washington" (REMJA-VII/doc.6/08 rev. 3), the Conclusions and Recommendations of REMJA-X (REMJA-X/doc.2/15 rev. 2), and resolution AG/RES. 2927 (XLVIII-O/18) of the General Assembly, respectively.

The Meeting was chaired by the delegation of Chile, pursuant to the first paragraph of provision 18 of the "Document of Washington".

At the end of its deliberations, the Working Group adopted the following recommendations to be presented for consideration at the Eleventh Meeting of Ministers of Justice or Other Ministers or Attorneys General of the Americas (REMJA XI):

1. That the member states that have not yet done so implement the recommendations agreed upon at previous meetings of the Working Group and of the REMJA, with regard to the adoption of concrete measures to ensure that legal cooperation in criminal matters, particularly with respect to mutual legal assistance and extradition, is effective, efficient, and expeditious.
2. To thank the delegation of Chile for drafting and presenting the proposed "Protocol to the Inter-American Convention on Mutual Assistance in Criminal Matters Relative to Joint Investigation Teams" (PENAL/doc.42/18), revised in accordance with Recommendation 1.4 of the Sixth Meeting of the Working Group and II.A.4.a of REMJA X. In that regard,
  - a. To declare an end to this Working Group's consideration of the proposed Protocol and to assign to the delegation of Chile, with the support of the Technical Secretariat of the REMJA (OAS Department of Legal Cooperation, hereinafter "the Technical Secretariat") the task of preparing a revised, clean version of the proposed Protocol bearing in mind the observations made and agreed upon at the present meeting, and, in its capacity as Chair of the

Working Group, presenting it to REMJA XI. Furthermore, if that body approves the revised Protocol, to submit it to the OAS for review, in accordance with that Organization's current rules in that respect.

- b. To recommend that, until the corresponding protocol enters into force, the States, in accordance to their legal systems, take the contents of this proposal into account as a guide to the establishment of joint investigation teams.
3. To thank the delegation of Argentina for drafting and presenting the proposed "Inter-American Legal Instrument on Extradition" (PENAL/doc.43/18), revised in accordance with Recommendation 1.4 of the Sixth Meeting of the Working Group and II.A.4.b of REMJA X. In that regard, to agree that, led by Argentina, a proposed model law on expedition be drafted that takes into account any elements deemed relevant in the proposal already presented and any suggestions that delegations remit by no later than February 15, 2019, for consideration by the Working Group at its Eighth Meeting.
4. To acknowledge the importance and usefulness of the "Model Law on Mutual Assistance in Criminal Matters" (PENAL/doc.20/07 rev.1), drafted and adopted within the framework of this Working Group led by Canada, and to recommend that States give due consideration to it when amending their legislation in this field.
5. To recommend that, in accordance with their legal systems and the requirements of each case, States duly heed and apply the guides to "the gathering of statements, documents and physical evidence" and "best practices with respect to mutual legal assistance concerning the investigation, freezing, and confiscation of assets that are the proceeds or instrumentalities of crime" (PENAL/doc.19/07 rev. 1 corr. 1), which were drafted under the leadership of Canada and adopted within the framework of this Working Group.
6. To thank the States that shared information regarding their best practices in legal cooperation on criminal matters and extradition in connection with this meeting and to instruct the Technical Secretariat to disseminate them via the website of the Hemispheric Network for Legal Cooperation on Criminal Matters, so as to promote their replication.
7. To consolidate this Working Group as a forum for exchanging best practices in legal cooperation in criminal matters and, accordingly, to ask States to continue sharing said best practices at subsequent meetings of this Working Group.
8. To support modernization of the Network for Legal Cooperation on Criminal Matters, as per the presentation on the subject given at this meeting by the Technical Secretariat, as well as ongoing maintenance of the network, subject to

available resources. Accordingly,

- a. To request States to notify the Technical Secretariat whenever changes occur in the information about them posted on the Network for Legal Cooperation on Criminal Matters or in the composition of their respective authorities and points of contact in this field and to remit the corresponding documents, names, and other data to the Network so that it can update its information.
  - b. To instruct the Technical Secretariat, to that end, to ask States each year to review the information posted about them in the Network and to let the Secretariat know of any changes that need to be made.
  - c. To urge the member states to be mindful of the usefulness and benefits afforded by the Network and to consider making voluntary contributions towards its modernization and maintenance.
9. To continue consolidating and strengthening coordination, exchanges of information, and cooperation between the REMJA Working Group and the agencies, organs, entities, and mechanisms of the OAS, as well as with other international and regional organizations competent in this field, regarding areas of common interest.
  10. To instruct the Chair of the Working Group to report to REMJA XI on the outcomes and recommendations of this Meeting.