

THIRD MEETING OF MINISTERS OF JUSTICE
OR OF MINISTERS OR ATTORNEYS GENERAL
OF THE AMERICAS
March 1 to 3, 2000
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FINAL REPORT OF THE THIRD MEETING OF MINISTERS OF JUSTICE
OR OF MINISTERS OR ATTORNEYS GENERAL OF THE AMERICAS

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FINAL REPORT OF THE THIRD MEETING OF MINISTERS OF JUSTICE OR OF MINISTERS OR ATTORNEYS GENERAL OF THE AMERICAS

INTRODUCTION

Third Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas

1. Convocation

The General Assembly of the Organization of American States (OAS), at its twenty-ninth regular session, in Guatemala, mindful of the agreements reached by the heads of state and government in the Plan of Action of the Second Summit of the Americas, at which, in reference to “Strengthening of Justice Systems and Judiciaries,” they agreed to support “the convening of periodic meetings of Ministers of Justice and Attorneys General of the Hemisphere within the framework of the Organization of American States (OAS)”, and the report of the Permanent Council on the Second Meeting of Ministers of Justice, held in Lima, Peru, in March 1999 (CP/doc.3186/99), adopted resolution AG/RES. 1615 (XXIX-O/99), which resolved “to convene the Third Meeting of Ministers of Justice or of Ministers of Attorneys General of the Americas and to thank the Government of Costa Rica for its generous offer to host that meeting; and to accept that offer.”

2. Mandate^{1/}

Pursuant to the aforementioned resolution AG/RES. 1615 (XXIX-O/99), the General Assembly instructed the Permanent Council of the OAS to prepare the preliminary documents, set the date, and determine the agenda for that meeting.

The General Assembly also instructed the Permanent Council, “to determine the date and place of, and to convene, a meeting of central authorities, on the recommendation of the Special Group, after consulting with the minister of justice or minister or attorneys general, and within resources allocated in the program-budget and other resources, in order to strengthen cooperation among those authorities in the context of the various conventions on legal and judicial cooperation.”

Finally, the Assembly instructed the Permanent Council “to take any measures it deems advisable for its continued consideration of this topic, and to report thereon to the General Assembly at its thirtieth regular session.”

The conclusions and recommendations approved by the Third Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas are to be presented, through the Permanent Council of the OAS, to the General Assembly at its next regular session, to be held in Canada, in June 2000.

1. The mandates entrusted to the Permanent Council by the General Assembly are found in operative paragraphs 2, 5, and 6 of resolution AG/RES. 1615 (XXIX-O/99), “Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, Proceedings, Volume 1, OEA/Ser.P/XXIX-O.2, December 7, 1999, p. 43.

CHAPTER I

BACKGROUND

1. First Meeting of Ministers of Justice or of Ministers or Attorneys General (Buenos Aires, 1997)

The foreign ministers and heads of delegation of the OAS member states, meeting in Lima, Peru, at the twenty-seventh regular session of the General Assembly, adopted AG/RES. 1482 (XXVII-O/97), "Meeting of Ministers of Justice," which underscored "the importance of holding a meeting of ministers of justice, or of ministers or attorneys general with competence in this area, to consider issues contributing to enhanced legal and judicial cooperation in the Americas."

In that resolution, the General Assembly instructed the Permanent Council to hold the necessary consultations to prepare the agenda and to convene and organize the meeting, and requested that it report on the implementation of resolution AG/RES. 1482 (XXVIII-O/97) to the General Assembly at its twenty-eighth regular session.

In accordance with that General Assembly resolution, the Permanent Council of the Organization of American States, bearing in mind the offer of the Government of Argentina to host the Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, as well as the guidelines for that meeting's agenda, adopted resolution CP/RES. 709 (1141/97), in which it convened the meeting and approved the following agenda:

1. "Rule of Law. New institutions and developments:
 - a. Experiences at the national level
 - b. Experiences at the regional and subregional levels
2. Modernization and strengthening of the justice system. Reform, new trends, and the use of mechanisms such as arbitration, mediation, and conciliation"
3. Combating corruption, organized crime, and other criminal activities:
 - a. Experience at the national level
 - b. Initiatives to strengthen legal/judicial cooperation
4. Analysis of the application of judicial and juridical cooperation agreements in the Americas
5. Correctional institution policy and reform processes. Strengthening of initiatives to rehabilitate prisoner/convicts and reintegrate them into society."

The First Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas was held in Buenos Aires, Argentina, December 1 - 3, 1997.

At the conclusion of its discussions of the various agenda items, the First Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas reached the following conclusions and made the following recommendations:

A. Conclusions

1. The existence of a legal system that guarantees the observance of human rights and duties, facilitates access to justice, and offers protection to society is an essential element for consolidating the rule of law and for allowing social and economic development to proceed as an effective formula for the integration of our peoples.
2. Strengthening the legal system requires the adoption of provisions that will preserve the independence of the judiciary, the continued improvement of its institutions' abilities to enforce the rule of law, and the training and continuous upgrading of magistrates, judges, prosecutors and public attorneys, and other officials related to the justice system, as well as lawyers.
3. The threats facing our societies, such as organized crime, corruption, drug trafficking, terrorism, money laundering, child exploitation, and the deteriorating natural environment, can only be successfully addressed by upgrading our national systems of justice, and by strengthening international cooperation in these areas, in all its forms.
4. The valuable inter-American juridical heritage embodied in the many treaties prepared under the aegis of the Organization of American States needs to be given effective application through prompt ratification of the conventions that have been signed, and adequate dissemination of its texts, and of the practice of member states.
5. International legal cooperation is essential for the development of justice systems within the member countries of the OAS. Consequently, and in accordance with each country's legislation, there is a need to promote mutual legal assistance in a flexible and effective manner, in particular with respect to extradition, requests for delivery of documents and other forms of evidence, the establishment of secure and prompt channels of communications such as those of Interpol, and strengthening of the role of the central authorities.
6. One of the major challenges facing our societies today is to develop prison and penitentiary systems that offer suitable conditions for rehabilitation and re-integration into society for those who have been sentenced to imprisonment by the courts.

B. Recommendations

1. To continue the process of strengthening the legal systems of the Americas, so as to ensure that individuals have full access to justice, to guarantee the independence of the judiciary and the effectiveness of prosecutors and attorneys general, and to encourage the establishment of responsive and transparent systems and modern institutions.
2. To approach the process of modernizing justice from a multidisciplinary viewpoint that goes beyond strictly legal considerations, and embraces such aspects as organizational analysis, management systems, social costs and benefits, and economic and statistical studies.
3. To encourage the incorporation of alternative dispute resolution procedures into national justice administration systems.
4. To continue efforts to improve inter-American instruments for legal cooperation, to which end every state should evaluate the current application of existing measures, and take steps to disseminate them more broadly, as well as to promote the establishment of other instruments that may be necessary to deal with new contingencies.

To request the General Secretariat of the OAS to prepare a study on the obstacles impeding the effective application of treaties of legal and judicial cooperation, on the basis of reports to be submitted by member states.
5. To promote the exchange of national experience and technical cooperation in prison and penitentiary policy matters, within the framework of the OAS.
6. To promote the sharing of experience and technical cooperation in matters related to criminal prosecution systems, access to justice, and judicial administration.
7. To reinforce the fight against corruption, organized crime and transnational criminal activity, and to adopt new legislation, procedures, and mechanisms as necessary to combat these scourges.
8. To welcome the forthcoming Summit of the Americas, to be held in Santiago, Chile, in April 1998, and to express satisfaction that the timely topic of strengthening the judicial system and the administration of justice has been included on the agenda for that occasion.
9. To convene a meeting of government experts, with support from the OAS, in Santiago, Chile, before February 28, 1998, to examine basic issues in the justice sector, with a view to incorporating their analysis into the work of the Summit of the Americas.

10. To encourage the holding of regular meetings of ministers of justice or of ministers or attorneys general of the Americas, within the framework of the OAS and with technical support from the Organization's General Secretariat.
11. To accept with gratitude the offer of the Government of Peru to host the Second Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, to be held during the second half of 1998, and to agree that the agenda for that meeting should be prepared within the OAS, with a focus on topics that are deemed to be priorities.
12. To request the OAS to provide the financial resources necessary for carrying out the various recommendations emanating from this First Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas.

2. Second Summit of the Americas (Santiago, Chile, 1998)

In April 1998, a meeting of government experts was held to include basic justice-sector issues on the agenda for the Second Summit of the Americas, held that month in Santiago, Chile.

The heads of state and government meeting at that Summit adopted a Plan of Action containing the following decisions pertaining to the "Strengthening of Justice Systems and Judiciaries":

Develop mechanisms that permit easy and timely access to justice by all persons, with particular reference to persons with low income, by adopting measures to enhance the transparency, efficiency and effectiveness of the courts. In this context, they will promote, develop and integrate the use of alternative methods of conflict resolution in the justice system.

Strengthen, as appropriate, systems of criminal justice founded on the independence of the judiciary and the effectiveness of public prosecutors and defense counsels, recognizing the special importance of the introduction of oral proceedings in those countries that consider it necessary to implement this reform.

Step up efforts to combat organized crime, and transnational crime, and, if necessary, foster new laws and international conventions, as well as procedures and mechanisms for continuing to combat these scourges.

Adapt legislation and proceed, as soon as possible, with necessary institutional reforms and measures to guarantee the comprehensive protection of the rights of children and youths to meet the obligations established under the United Nations Convention on the Right of the Child and other international instruments.

Adopt as appropriate a clear distinction between procedures and consequences of violations of criminal law and measures established to protect children and youths whose rights are threatened or violated, and will promote social and educational measures to rehabilitate young offenders.

Foster the establishment and strengthening of specialized tribunals or courts for family matters, as appropriate, and in accordance with their respective legal systems.

Expedite the establishment of a justice studies center of the Americas, which will facilitate training of justice sector personnel, the exchange of information and other forms of technical cooperation in the Hemisphere, in response to particular requirements of each country. To this end, they request the Ministers of Justice or other competent authorities to analyze and define the most suitable actions for the organization and establishment for such a center.

Promote, in accordance with the legislation of each country, mutual legal and judicial assistance that is effective and responsive, particularly with respect to extraditions, requests for the delivery of documents and other evidentiary materials, and other bilateral or multilateral exchanges in this field, such as witness protection arrangements.

Support the convening of periodic meetings of Ministers of Justice and Attorneys General of the Hemisphere within the framework of the Organization of American States (OAS).

The latter initiative was subsequently endorsed by the General Assembly of the Organization of American States in June 1998.

3. Dialogue on the topic of administration of justice in the Americas. General Assembly of the OAS (Caracas, Venezuela, June 1998)

At the twenty-eighth regular session of the General Assembly (Caracas, Venezuela, June 1998), the President of the Assembly, Miguel Angel Burelli Rivas, Minister of Foreign Affairs of Venezuela, presented a summary of the dialogue on the topic of the administration of justice in the Americas, which contained the following ideas:

- The administration of justice has become a top priority issue.
- Politicization of the judicial system has been identified as a major problem.
- The main objectives are: real separation of powers and a depoliticized and efficient judicial system.
- Administration of justice is to be conceived as an inalienable responsibility of States.
- Nonetheless, it is accepted that the OAS can play an important part in supporting the creation and promotion of better judicial systems, at both the national and international level.
- It was pointed out that the OAS must find a sphere of action that is in tune with current needs and in keeping with the Organization's abilities and resources.
- That sphere of action must involve substantive issues (trade legislation) and real follow-through.

- Subject to the availability of resources, among the many specific tasks suggested for the OAS were:
 - Having a working group draw up a strategic plan
 - Creation of an Inter-American Studies Center
 - Evaluation of international cooperation instruments
 - On-going support for meetings of Ministers of Justice
 - Exchanges of information regarding training in the judiciary
 - Expanding the jurisdiction of the Inter-American Court of Human Rights

At that session, the General Assembly adopted resolution AG/RES. 1481 (XXVII-O/97), “Enhancement of the Administration of Justice in the Americas,” in which it resolved, *inter alia*, to receive with satisfaction the report of the Permanent Council on the enhancement of the administration of justice in the Americas.

4. Second Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas (Lima, Peru, March 1999)

Bearing in mind the report of the Permanent Council and the final report of the Meeting of Ministers of Justice, held in Buenos Aires, Argentina, in resolution AG/RES. 1562 (XXVIII-O/98)^{2/} the General Assembly resolved to convene the Second Meeting of Ministers of Justice or Ministers or Attorneys General of the Americas.

At its meeting on November 10, 1998, the Council approved resolution CP/RES.737 (1176/98), which set March 1-3 as the dates for the above-mentioned meeting.

At its meeting on October 9, 1998, the Committee on Juridical and Political Affairs took note of the draft agenda, submitted by Ambassador Beatriz Ramacciotti, Permanent Mission of Peru, for the Second Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas.^{3/}

Accordingly, the Permanent Council, having seen the report of the Committee on Juridical and Political Affairs^{4/}, at its meeting of December 11, 1998, through resolution CP/RES. 739 (1179/98), adopted the following agenda for the Second Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas:

Dialogue of Ministers of Justice or of Ministers or Attorneys General of the Americas and/or heads of delegation

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2. REMJA/doc.33/97, Final Report of the Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas.
 3. CP/CAJP-1403/98, Draft Agenda for the Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas.
 4. CP/CAJP-1432/98, Draft Agenda for the Second Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas.

Topic for discussion: Modernization and strengthening of the justice systems in the Americas: exchange of experiences, new developments, and courses of action at the national and international levels

AGENDA

- 1. Access to justice**
 - 1.1. Legal aid and defense services
 - 1.2. Initiatives for the legal protection of minors
 - 1.3. Incorporation of alternative conflict settlement methods in national administration-of-justice systems

- 2. Training of judges, prosecutors, and judicial officials**
 - 2.1. Experiences acquired in basic, advanced, and specialized training of judiciary personnel
 - 2.2. Mechanisms to promote judicial independence and the effectiveness of public prosecutors or attorneys general
 - 2.3. Creation of a center for judicial studies in the Americas

- 3. Prison and penitentiary policy**
 - 3.1. Modernization of the sector and the improvement of new legal frameworks
 - 3.2. New developments in criminal procedure
 - 3.3. Regional cooperation mechanisms

- 4. Strengthening and developing inter-American cooperation**
 - 4.1. Fighting organized crime and transnational crime, including cyber crime (domestic legislation, degree of effective application and implementation of international instruments in this area, procedures, and national experiences, etc.)
 - 4.2. Legal and judicial cooperation (inter-American treaties; other mechanisms; extradition; information sharing; submission of documents and other types of evidence; witness protection agreements, etc.)

CONCLUSIONS AND RECOMMENDATIONS

The Second Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas was held on the dates set by the Permanent Council, in March 1999, in Lima Peru. The Second Meeting of Ministers of Justice, on concluding consideration of its agenda, adopted 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 of 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 OAS 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 government 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:

1. Extradition “checklists”, glossaries of commonly-used legal terms, and similar instruments of simplified guidance and explanation on extradition and related processes;
2. Sample forms for intergovernmental requests for mutual legal assistance;
3. 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.

CHAPTER II

**PREPARATORY WORK FOR THE THIRD MEETING OF MINISTERS OF JUSTICE
OR OF MINISTERS OR ATTORNEYS GENERAL OF THE AMERICAS**

The Permanent Council of the OAS, in April 1999, established a Special Group on Justice to follow up on the mandates emanating from the Meetings of Ministers of Justice or of Ministers or Attorneys General of the Americas.

The Council, pursuant to the mandates of the General Assembly issued through resolution AG/RES. 1562 (XXVIII-O/98)^{5/}, charged the Special Group on Justice with convening and holding as many meetings of government experts as necessary to assist in implementing the recommendations received at the aforementioned Meetings of Ministers of Justice.

The Special Group on Justice of the Permanent Council, open to all delegations, was chaired by Peru. The office of first vice chair was held by the delegation of Costa Rica and the office of second vice chair by the delegation of Trinidad and Tobago.

1. Statute of the Justice Studies Center of the Americas

The Special Group on Justice, with the consent of the Permanent Council, held four meetings of government experts between May and September 1999.

As a result of its deliberations, the Special Group on Justice completed draft Statute of the Justice Studies Center of the Americas, which, on September 22, 1999, it forwarded to the Permanent Council for consideration. The information on the meetings of experts and the decision of the Permanent Council with respect to the Statute of the Justice Studies Center, appear in document CP/doc.3247/99 rev.1, "Report of the Chair of the Special Group to Implement the Recommendations of the Meetings of Ministers of Justice or of Ministers or Attorneys General of the Americas."^{6/}

On November 15, 1999, the General Assembly held its twenty-sixth special session, at which it adopted resolution AG/RES. 1 (XXVI-E/99), "Statute of the Justice Studies Center of the Americas," and through resolution AG/RES. 2 (XXVI-E/99) instructed the Permanent Council, by way of exception, to elect the members of the Board of Directors of the Justice Studies Center of the Americas according to the rules provided in the Rules of Procedure of the General Assembly and the Statute of the Justice Studies Center of the Americas.

2. Election of the members of the Board of Directors of the Justice Studies Center of the Americas and offers to serve as headquarters for the Center

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5. Twenty-eighth regular session of the General Assembly, Proceedings, Vol. I, pp. 65-66.
 6. Document CP/doc.3247/99 corr. 1, contains background on the subject, a brief summary of each of the meetings of government experts, the decision of the Permanent Council in this connection, and the corresponding draft resolutions that were presented to and adopted by the General Assembly at its twenty-sixth special session.

The Chair of the Permanent Council, with the consent of the permanent representatives, at its meeting of January 19, 2000, established the Teller Committee to elect the members of the Board of Directors of the Justice Studies Center of the Americas. The Committee comprised Ambassador Dr. Courtney Blackman, Permanent Representative of Barbados, and Ambassador Lawrence Chewing Fábrega, Permanent Representative of Panama.

a. Article 82 of the Rules of Procedure of the General Assembly

From among a total of 16 candidates nominated by the member states to make up the Board of Directors of the Justice Studies Center of the Americas (CP/doc.3252/99 and add. 1, 2, and 3), the Permanent Council, following the procedures established in Article 82 of the Rules of Procedure of the General Assembly, elected the following candidates on the first round:

María Soledad Alvear Valenzuela (Chile)
Karl Hudson-Phillips (Trinidad and Tobago)
José Ovalle Favela (Mexico)
Raphael Carl Rattray (Jamaica)

On the second round, pursuant to the said Article 82, six candidates were nominated for election to three offices. The following were elected:

Federico Callizo Nicora (Paraguay)
Douglass Cassel (Estados Unidos)
Mónica Nagel Berger (Costa Rica)

The vote count appears in the minutes of the corresponding meeting, classified as CP/ACTA 1219/99.

b. Third transitory provision of the Statute of the Justice Studies Center of the Americas

Pursuant to the third transitory provision of the Statute of the Justice Studies Center of the Americas, the terms of office of the members of the Board of Directors were chosen by lot as follows:

Three-year terms:

María Soledad Alvear Valenzuela (Chile)
Douglass Cassel (Estados Unidos)
Raphael Carl Rattray (Jamaica)

Two-year terms:

Karl Hudson-Phillips (Trinidad and Tobago)
José Ovalle Favela (Mexico)

One-year terms:

Federico Callizo Nicora (Paraguay)
Mónica Nagel Berger (Costa Rica)

The Permanent Council took note of the offers to serve as headquarters of the Justice Studies Center of the Americas made by the delegations of Argentina, Chile, Dominican Republic, Peru, and Uruguay and agreed to forward them to the Board of Directors of the Justice Studies Center of the Americas for the purposes set forth in the second transitory provision of the Statute of the aforementioned Center.

3. Convocation of the First Meeting of the Board of Directors of the Justice Studies Center of the Americas

The Permanent Council of the OAS, pursuant to resolution AG/RES. 1 (XXVI-E/99) "Statute of the Justice Studies Center of the Americas," which provides in its transitory provisions that the Board of Directors of the Center shall present to the Third Meeting of Ministers of Justice for its consideration the results of the assessments and recommendations regarding the site proposals made by member states, agreed to approve resolution CP/RES. 765 (1222/00)^{7/}, convening the first meeting of the Board of Directors of the Justice Studies Center of the Americas, on February 24 and 25, 2000, at the headquarters of the Organization of American States.

4. Cyber crime

The Special Group on Justice held two meetings of government experts on the topic of cyber crime, on May 12, and October 14 - 15, 1999. The final report of the meeting of experts is published as document GE/REMJA/doc.51/99, and, in addition to summarizing the background to the meeting, and the diagnosis emanating from it identifies national and international entities with relevant expertise and refers to mechanisms of cooperation within the inter-American system.

The Group of Experts also defined cyber crime as a criminal activity in which information systems (including, *inter alia*, telecommunications and computer systems) are the *corpus delicti* or means of committing an offense.

At the first meeting, the group of experts prepared a survey designed to ascertain the legal framework of the countries of the region governing cyber crime^{8/}. To date, replies have been received from the governments of Argentina, Brazil, Belize, Costa Rica, Ecuador, El Salvador, Honduras, Mexico, Panama, Peru, St. Lucia, Trinidad and Tobago, United States, and Venezuela^{9/}.

7. Resolution CP/RES. 765 (1222/00) was approved by the Permanent Council of the OAS at its meeting of February 11, 2000. The presentation on this topic is transcribed in the minutes of that session, classified as CP/ACTA 1222/99.

8. The survey is published in document GE/REMJA/doc.15/99.

9. The replies to the survey presented by the governments of the OAS member states are published as document GE/REMJA/doc.15/99 addenda.

Also available to the Second Meeting of Experts, in addition to the survey, was a document prepared by the Secretariat for Legal Affairs of the General Secretariat organizing the responses received from the member states^{10/}.

Finally, the Second Meeting of Government Experts on Cyber Crime, "within the framework of the provisions contained in resolution AG/RES.1615/99 (XXIX-O/99) and recognizing the global threat posed by cyber crime and the need for a rapid and appropriate response by the competent national authorities, the Meeting of Experts recommends that the following recommendations be presented, through the Permanent Council, to the Third Meeting of Ministers of Justice or Ministers or Attorneys General of the Americas^{11/}:

1. That states be urged to identify one or more agencies within their country that will have primary authority and responsibility to investigate and prosecute cyber crime.
2. That states still lacking legislation covering cyber crime take steps to fill that gap.
3. That member states be requested to 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.
4. That member states determine their training needs in the area of cyber crime and explore bilateral, regional, and multilateral cooperation mechanisms to meet those needs.
5. That an effort be made to draw up general guidelines to be used in devising legislation covering cyber crimes.
6. That consideration be given to various measures, including setting up a Voluntary Specific Fund, to support efforts to expand cooperation on this matter in the Hemisphere.
7. That member states be encouraged to exchange information on cyber crime.
8. That support be given to dissemination of information regarding OAS activities in this field, including its Web page on the subject.
9. That states 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.
10. That member states 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.

10. The document published by the Secretariat for Legal Affairs of the OAS General Secretariat is published as document GE/REMJA/doc.47/99.

11. The recommendations of the Second Meeting of Government Experts on Cyber Crime are published in document GE/REMJA/doc.51/99.

On October 20, 1999, the Permanent Council of the OAS took note of the information presented by the Chair of the Special Group on Justice, Ambassador Beatriz M. Ramacciotti, Permanent Representative of Peru, and agreed to present the recommendations of the Second Meeting of Government Experts on Cyber Crime to the Third Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas.

CHAPTER III

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

1. Opening session

The Third Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas began on March 1, 2000, at 9.45 a.m., in the Conventions Center of Hotel Herradura, in San José, Costa Rica. The Minister of Justice of Costa Rica, Mrs. Mónica Nagel Berger, and Ambassador Christopher R. Thomas, Assistant Secretary General of the Organization of American States, spoke at the inaugural session. A judicial canceling stamp commemorating the Third REMJA was handed out.

The floor was then given to the President of the Republic of Costa Rica, Dr. Miguel Angel Rodríguez Echeverría.

The three presentations referred to above are attached as annexes to this Final Report.

2. First working session

The Minister of Justice of Costa Rica declared the first working session open, and proceeded to hold the election of officers of the Meeting.

A. Election of the Chair

On the nomination of the Representative of Trinidad and Tobago, which was seconded by the representatives of Mexico, Bolivia, and Argentina, Mrs. Mónica Nagel, Minister of Justice of Costa Rica, was elected Chair of the Meeting by acclamation.

B. Election of the Vice Chairs

On the nomination of the Representative of Costa Rica, Mr. Ramesh Lawrence Maharaj, Attorney General and Minister of Legal Affairs of Trinidad and Tobago, was elected First Vice Chair by acclamation.

Finally, on the nomination of the Representative of Jamaica, Mrs. Janice Charette, Senior Assistant Deputy Minister of Canada, was elected Second Vice Chair by acclamation.

Thus, the officers of the Third Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas were:

Chair

Dr. Mónica Nagel
Minister of Justice of Costa Rica

First Vice Chair

Ramesh Lawrence Maharaj
Attorney General and Minister of Legal Affairs of Trinidad and Tobago

Second Vice Chair

Janice Charette
Senior Assistant Deputy Minister of Canada

C. Adoption of the draft agenda and schedule

The Chair of the Third REMJA submitted the draft agenda and schedule for adoption by the Meeting. The agenda was adopted unanimously and the schedule was adopted with a few changes to the timetable.

The Argentine delegation requested that during the afternoon session a parallel technical group be formed, with the support of the General Secretariat, on the subject of alternative conflict resolution.

D. Report of the Special Group to Follow-up on the Conclusions and Recommendations of the Meetings of Ministers of Justice or of Ministers, or Attorneys General of the Americas

The Permanent Representative of Peru to the OAS, Ambassador Beatriz Ramacciotti, presented the Report of the Special Group to Follow-up on the Conclusions and Recommendations of the Meetings of Ministers of Justice or of Ministers, or Attorneys General of the Americas, in which reference is made to the creation of the Justice Studies Center of the Americas, to recommendations regarding the prevention of cyber crime and efforts to combat it, and to progress made in the area of extradition, forfeiture of assets, and mutual legal assistance. The Chair of the Meeting paid tribute to the work done by the Permanent Representative of Peru as Chair of that Special Group and thanked her for it.

E. Statements by various organizations

The Chair of the Meeting invited representatives of Penal Reform International, of the United Nations Inter-American Institute for the Prevention of Crime and Treatment of Offenders (ILANUD), and the Administration of Justice Program of Central America and Panama to take the floor.

Baroness Vivian Stern, Chair of Penal Reform International, an organization concerned with policies to improve prison conditions and crime prevention, took the floor to inform the Meeting of the organization's program.

Mr. Elías Carranza, Director of ILANUD, an intergovernmental organization created by an agreement between Costa Rica and the United Nations for prevention of crime and treatment of offenders in Latin America, also addressed the Meeting.

Finally, Mr. José Carlos Chinchilla, took the floor as the representative of the Administration of Justice Program of Central America and Panama, a body dedicated to training judges and justice administration personnel in those countries.

The Chair of the Meeting asked the plenary to take note of the three presentations and requested that they be recorded as reference documents for this Meeting.

3. Second working session

The second session addressed the subjects of cyber crime and extradition, forfeiture of assets, and mutual legal assistance.

Cyber Crime

The following delegations addressed this topic: United States, Ecuador, Costa Rica, Trinidad and Tobago, Bolivia, El Salvador, Argentina, Brazil, Canada, and Peru.

Discussion of this item began with a presentation by the Head of the United States delegation, Mrs. Janet Reno, who underscored the importance of the topic, praised the work done since the Second Meeting of Ministers of Justice by the Special Group on Justice, and suggested that experts on this subject should meet at least twice a year in the framework of the OAS. She also emphasized the importance of international cooperation in this area.

Some delegations affirmed that it was impossible for countries to combat this offense on their own due to the dearth of legal and practical mechanisms in this field. Some delegations also said that the premise for a possible legal instrument in this area should be personal liberty and freedom of information as the key factors to be borne in mind when legislating on the topic.

Other delegations referred to the enormous cost involved in preventing and containing cyber crime, as well as the technological and human resources needed for these tasks. Mention was also made of efforts to tackle this problem using already existing instruments such as the registering of intellectual property and copyright. At the same time delegates said there was a need to enact a specific law on cyber crime in domestic legislations.

Cyber crime was described as an inter-jurisdictional offense (in the sense that several jurisdictions are involved), hard to define (because it involves different types of conduct), and difficult to investigate (it requires training and appropriate technology). Delegates said that these premises should

underlie the criteria to be adopted at this Meeting for efforts to combat cyber crime and a group of experts was entrusted with the task of developing model legislation, bearing those three elements in mind as well as the experience acquired by OAS member states. Some delegations even suggested the possibility of adopting an international instrument on the subject.

In addition to the model legislation, the OAS was also asked to lay the groundwork for a mechanism to train cyber crime investigators.

Several delegations pointed to the difficulties posed by cyber crime and the urgent need to deal effectively with it. They also expressed readiness to step up inter-State cooperation mechanisms and stressed the importance of educating children in the ethics and proper use of new computer technology.

The Chair remitted the recommendations made at the meeting of government experts held on October 14 and 15, 1999 to the working group responsible for drafting the conclusions and recommendations of the present Meeting. The recommendations of the October meeting are included in document GE/REMJA/doc.51/99.

Extradition, forfeiture of assets, and mutual legal assistance

The Chair initiated debated on this topic by referring to document REMJA III/doc.6/00 “extradition, forfeiture of assets, and mutual legal assistance (documents compiled by the General Secretariat of the OAS).”

The following delegations addressed the topic: United States, Nicaragua, Costa Rica, Mexico, Peru, Chile, Jamaica, Argentina, Dominican Republic, Canada, Trinidad and Tobago, Bolivia, Ecuador, Bahamas, and Colombia.

Some delegations maintained that extradition as a form of cooperation was justified because the best place to try an offense is the place where it was in fact committed, where evidence can be gathered more easily, and where there is a better chance of compensating victims. While underscoring the importance of the sovereignty of States, delegates also pointed out that efforts were under way to build confidence among the States of the Hemisphere and that this was reflected in attempts to develop a list of requisites, forms, and glossaries and to identify points of contact, all of which could facilitate extradition procedures. It was recommended that the OAS request member states that had not already done so to remit the information they were asked to supply by the Second REMJA; that the information gathered be published on the OAS web page; and that a network be set up for information sharing, using electronic media, to assist both extradition and judicial cooperation procedures.

The Meeting was also asked to consider endorsing the recommendations adopted at a preparatory meeting of experts held on February 29 in San Jose de Costa Rica.

Other delegations expressed the need for the OAS group of experts to make their own additional recommendations to the legislative and judicial branches in the member countries, because in many countries in the Hemisphere, it is not just the executive branch that rules on extradition. It was said that extradition raises different problems depending on the different legal systems in force in the Hemisphere, and that those differences had to be reflected in any conclusions reached by the REMJA, as well as in the subsequent work carried out by the experts.

Finally, reaffirming a recommendation already made at the Second REMJA, a meeting of central authorities under OAS auspices was requested to ensure greater compliance with the obligations enshrined in the various different international legal instruments on judicial cooperation.

The Chair suggested that the proposals put forward be sent to the group responsible for preparing the draft conclusions and recommendations of this Meeting.

4. Third working session

The third working session began on the morning of March 2 and proceeded to consider the agenda item entitled “Prison and penitentiary policy: all aspects of health in prisons.”

The delegations of Costa Rica, Chile, Mexico, Canada, Brazil, and Argentina addressed the topic, underscoring prison and penitentiary policy reform and modernization; technical cooperation and definition of specific cooperation programs and projects; all aspects of health in prisons, health care, sexually transmitted diseases, AIDS and use of drugs, *inter alia*.

In general, delegates stressed the grave crisis in the prison system, as measured by its inability to conform to the objectives pursued by prison sentences. Also emphasized were the problems associated with overcrowding, lack of space, poor food, and poor health.

To stem the crisis in prison systems, some delegations expressed interest in seeking alternative ways in which convicts sentenced to loss of physical freedom might serve their sentence outside a penitentiary or prison.

Moreover, the Meeting took note of remarks by some delegations regarding health in prisons and the right of the accused to humane prison conditions, in accordance with the international human rights agreements in force in the region and with observance of each country’s constitutional norms.

On this topic, the Minister of Justice of Argentina submitted the following ideas in writing:

- a. The need to make prison really a place of last resort; reduce use of it to the maximum (need for alternative forms of punishment in cases in which social conflict can be resolved in a less violent manner; need to avoid excessive use of preventive imprisonment, etc.);
- b. The need for a new definition of the concept or resocialization, that includes the State’s obligation to provide persons deprived of their liberty with the means to develop as human beings (educational opportunities, work, etc.);
- c. The need to protect inmates as legal subjects and the full force of law inside prisons. Here it is important to guarantee due process in the exercise of, and access to, the right of defense, one of the factors most conspicuously lacking in the region’s prisons;

- d. The obligation of the State to grant inmates humane prison conditions and the prohibition against turning imprisonment into an inhumane or degrading punishment or treatment.

For her part, the Vice Minister of Justice of Chile presented a document entitled “Health in the Framework of Chile’s New Penitentiary Policy” and, referring to evaluations made of the programs and projects carried out under the new penitentiary policy in the criminal system of her country, made the following suggestions to countries participating in the Meeting:

1. Apply the recommendations made in the United Nations Standard Minimum Rules for the Treatment of Prisoners;
2. Devise and incorporate a health unit in the organizational chart of institutions dealing with persons deprived of their liberty, treating it like just another department;
3. Define the major public health problems in penal institutions;
4. Hire qualified personnel to coordinate health care for prisoners at the regional, provincial, and local level;
5. Make the basic intersectoral arrangements with local public and private institutions able to provide health services that cannot be delivered inside prison premises, as well as arrangements for other kinds of specific activities benefiting prison inmates in the educational and labor fields;
6. Train prison officers and inmates in the proper handling of food.
7. Prepare manuals or instructions at the national level indicating actions to be taken with respect to specific health problems, based on international and national norms in this area;
8. Establish prison hospital facilities in strategic geographical areas, to enable as many prisoner health problems as possible to be dealt with without having to transport the prisoners.
9. Create basic, simple, infirmary-like health care units for first aid for prisoners, aiming at maximum coverage, to include, for the female prison population, all reproductive health interventions, such as Papanicolau tests and preventive breast examinations, etc.
10. Include in prison staff training curricula specific public health topics that could help them make the right decisions in their workplace. It would be a good idea for them to learn some kind of group education techniques that would allow them to have a multiplier effect as preventive health teachers in areas such as drug abuse, and infection with STDs-HIV-AIDS, etc.

11. Adopt the strategy of training inmates also to act as preventive health care multipliers and/or monitors in specific areas, allowing them an opportunity to devise creative and novel activities based on their personal motivation, inside the prison; this implies first having sensitized the personnel in charge of security and overall treatment of prisoners, in order to make sure that they collaborate and get involved in this type of work;
12. Maintain permanent surveillance of the health situation in all penal establishments, which includes records and evaluations, etc.
13. Include across the board preventive health topics in labor and training activities carried out by prisoners inside penitentiaries;
14. Provide gradual increases in the annual allocation of funds for penitentiaries;
15. Systematically incorporate a minimum number of health professionals and technicians in the staff running penitentiaries;
16. Diagnose, select, and deliver comprehensive health care to people suffering from chronic illnesses, such as drug addicts, disabled persons, people with AIDS, as well as the elderly, etc.;
17. Create ambulatory or residential health care services inside penitentiaries for addicts, making use of the basic funds available to penitentiaries to finance the application of a “therapeutic community” model;
18. Define policies for detecting, locating, monitoring and treating prisoners with the HIV virus and AIDS inside penitentiaries.

Finally, the plenary session agreed to take note of the following ideas and to transmit them to the group preparing the conclusions and recommendations of this Meeting: that the OAS should study the possibility of private enterprises taking part in the construction and or administration of prisoners; that it should continue its study of crime prevention measures; and that it begin to consider the topic “Alternatives to Prison Sentences.”

The Secretariat for the Meeting listed the following documents presented by the delegations:

- a. Presentation by the Minister of Justice and Human Rights of Argentina, Dr. Ricardo Gill Lavedra, entitled “*Política Carcelaria y Penitenciaria*” [Prison and Penitentiary Policy;]
- b. “*Protección de la Salud de los Internos Alojados en el Sistema Penitenciario Federal Argentina*” [Protecting the health of Inmates of the Argentine Federal Penitentiary System.]

- c. “*Política Carcelaria y Penitenciaria: La Salud Integral en las Cárceles*” [Prison and Penitentiary Policy: All Aspects of Health in Prisons,] presentation by the Minister of Justice of Bolivia, Dr. Juan Antonio Chahin Lupo.
- d. “*La Salud en el Marco de la Nueva Política Penitenciaria Chilena*” [Health in the Framework of Chile’s New Penitentiary Policy] by the Assistant Secretary for Justice, Dr. Consuelo Gazmuri Riveros.
- e. “*Salud Integral en Cárceles*” [All Aspects of Health in Prisons], presentation by the Delegation of Costa Rica..
- f. “*Salud Integral en el Sistema Penitenciario Mexicano*” [All Aspects of Health in the Mexican Penitentiary System], presentation by Mr. Miguel Angel Yunes Linares of the Delegation of Mexico.
- g. “*Sistema Penitenciario Federal Mexicano*” [Mexico’s Federal Penitentiary System], presentation by Mr. Miguel Angel Yunes Linares of the Delegation of Mexico.
- h. “*Libertad Provisional y Prelibertad en el Sistema Jurídico Mexicano*” [Provisional Liberty and Early Release in the Mexican Legal System], presentation by Mr. Miguel Angel Yunes Linares of the Delegation of Mexico.
- i. “*Revista Mexicana de Prevención y Readaptación Social, Números 2, 3 4 y 5*” [Mexican Journal on Prevention and Social Rehabilitation, No. 2, 3, 4 and 5], presentation by Mr. Miguel Angel Yunes Linares of the Delegation of Mexico.
- j. “*Orientación Actual de Legislación Penitenciaria*” [Current Trends in Penitentiary Legislation], Mr. Miguel Angel Yunes Linares of the Delegation of Mexico.

The Secretariat also registered the document presented by the Attorney General and Minister for Legal Affairs of Trinidad and Tobago, His Excellency Ramesh Lawrence Maharaj, S.C.M.P., which contains material on cyber crime, extradition and mutual legal assistance, access to justice, prisons and penal reform policy, and the AIDS epidemic.

The above mentioned publications presented by the delegations will be deposited in the Columbus Library of the General Secretariat of the OAS.

5. Fourth working session

The fourth working session began at 3 p.m. on Mach 2 and proceeded to consider the following agenda items:

- a. Access to justice: conflict resolution and other mechanisms.
- b. Report of the Board of Directors of the Justice Studies Center of the Americas as provided for in the second transitory provision of the Statute of the Center.

c. Site of the Center

a. Access to justice: conflict resolution and other mechanisms

The following delegations addressed this item: Costa Rica, Argentina, Bolivia, Ecuador, Brazil, and Nicaragua.

Promotion of the use of alternative dispute resolution procedures as a concrete means of enhancing access to justice has been a recurring topic. It was dealt with at the First Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, held in Buenos Aires, Argentina in 1997 and during the Second Meeting held in Lima, Peru in 1999.

Some delegations recalled that, at the Second Summit of the Americas, held in Santiago, Chile, in April 1998, the heads of state and government, with regard to the topic "Strengthening of justice systems and judiciaries," agreed to develop mechanisms that permit easy and timely access to justice by all persons, with particular reference to persons with low income, by adopting measures to enhance the transparency, efficiency, and effectiveness of the courts.

The meeting noted the words of the Costa Rican delegate who affirmed that "equal access to justice for all citizens, regardless of sex, race, religion, economic status, social position, or geographic location, *inter alia*, represents one of the main challenges to democratic states as the new century begins."

The head of the delegation of Ecuador presented a questionnaire on alternative conflict resolution for consideration by the Meeting of Ministers of Justice or Ministers or Attorneys General of the Americas and referred to Arbitration and Mediation Act passed in Ecuador. He said that "all government contracts with private enterprises subject to that Act."

On the same topic, the delegate of Nicaragua referred to new Law 278 "Urban and Rural Property" which provides for mediation or arbitration as alternative conflict resolution methods.

Finally the delegation of Argentina pointed, *inter alia*, to various objectives and criteria related to this matter, such as: the promotion and develop mediation as a voluntary method of conflict resolution; the promotion of facilitation processes and of the figure of the facilitate as appropriate means of building consensus and handling conflicts that, directly or indirectly involve national government policies; the promotion of negotiating techniques, the role of the negotiator, and of negotiation; and the promotion of the teaching of alternative conflicts resolution methods at different levels in the education system.

In bringing consideration of this item to a close, the Chair of the Meeting agreed to take note of the remarks made by the delegations.

The Secretariat registered the following documents presented by the delegations:

- i. Presentation by the Minister of Justice and Human Rights of the Argentine Republic, Dr. Ricardo Gil Lavedra, item 7. “*Acceso a la Justicia*” [Access to Justice]
- ii. “*Desarrollo de los Métodos Alternativos de Resolución de Conflictos en la República de Argentina y Desarrollo de Nuevas Políticas*” [Development of Alternative Conflict Resolution Methods in the Argentine Republic and the Development of New Policies], presented by Minister of Justice and Human Rights of the Argentine Republic, Dr. Ricardo Gil Lavedra.
- iii. Ministry of Justice and Human Rights, Argentina. “*Informe Estadístico de Mediaciones Judiciales*” [Statistical Report on Judicial Mediations], presented by the Minister of Justice and Human Rights of the Argentine Republic, Dr. Ricardo Gil Lavedra.
- iv. “*Cuestionario sobre Resolución Alternativa de Conflictos*” [Questionnaire on Alternative Conflict Resolution] and “*Ley de Arbitraje y Mediación*” [Arbitration and Mediation Act], presented by the Attorney General of Ecuador, Dr. Ramón Jiménez Carbo.
- v. “*Acceso a la Justicia, Resolución Alternativa de Conflictos y Otros Mecanismos*” [Access to Justice, Alternative Conflict Resolution and other Mechanisms]. Presentation by the Minister of Justice of Bolivia, Dr. Juan Antonio Chahin Lupo.

The aforementioned documents will be deposited in the Columbus Library located at the Headquarters of the OAS General Secretariat.

b and c Report of the Board of Directors of the Justice Studies Center of the Americas as provided for in the Second Transitory Provision of the Statute of the Center; and Site of the Center

On this topic, the Chair of the Meeting referred to the report of the Board of Directors of the Justice Studies Center of the Americas, document OEA/Ser.K/XXXIV.3 REMJA-III/doc.11/00 rev. 1, and gave a presentation on the work carried out at First Meeting of the Board of Directors, held in Washington, D.C., on February 24 and 25, 2000. The plenary agreed to approve the following recommendations adopted by consensus by the Board of Directors and transcribed in the report classified as REMJA-III/doc.11/00:

- i. To establish the headquarters of the Justice Studies Center of the Americas in Santiago, Chile.
- ii. To request the cooperation of the Secretariat for Legal Affairs, General Secretariat of the OAS, for the preparation of preliminary draft rules of procedure of the Justice Studies Center of the Americas.
- iii. To urge the governments of the OAS member states and permanent observer countries to provide contributions for financing the Center’s activities, in accordance with Article 17 of the Statute of the Justice Studies Center of the Americas.
- iv. That given the need to have an Executive Director of the Center as soon as possible, and pursuant to Article 6 of the Statute, the General Assembly of the OAS is

requested, at its thirtieth regular session, to approve the appointment of the person proposed by the Board of Directors of the Center.

The delegation of Uruguay said it was interested in participating in the advisory group pursuant to Article 15 of the Statute of the Center. It also said that, in due course, it would make a presentation thereon.

The delegation of Jamaica said that it was interested in proposing two institutions for membership in the Justice Studies Center of the Americas: the *Justice Training Institute* of Jamaica and the *Caribbean Regional Drug Law Enforcement Training Center* whose headquarters is in Jamaica.

The delegation of Chile thanked the Third REMJA for its decision regarding the site for the Justice Studies Center of the Americas and suggested that, given Argentina's experience and technical skills in the field of the work to be done by the Center, an agreement should be signed between the Justice Studies Center of the Americas and ARGENJUS: a suggestion that drew no objection from the delegations.

For his part, the Minister of Justice of the Argentine Republic, Dr. Ricardo Gil Lavedra, said he welcomed the idea of signing an agreement with the Center.

There being no further business, the Chair adjourned the meeting.

6. Fifth working session

The fifth working session began on the morning of March 3. Ambassador Jorge Rhenán Segura, Coordinator of the working group, presented the Group's conclusions and recommendations that were approved by consensus during the fifth and last working session of the Third Meeting of Ministers of Justice or of Ministers of Attorneys General of the Americas and appear in Chapter IV of this Report.

7. Closing session

At 3:30 p.m. on March 3, 2000, the closing session began during a formal session of the Plenary Court marking the inauguration of the judicial year 2000.

The head of the Supreme Court of Justice of Costa Rica, Dr. Luis Paulino Mora Mora, called the meeting to order. Statements were then made by Dr. Ernesto Jinesta Lobo, Dr. Ricardo Zeledón Zeledón, by Judge Montenegro Trejos, Magistrate of the First Division, and by Mr. Edgar Cervantes Villalta.

Finally, at the closing session, the Chair of the Third Meeting of Ministers of Justice or Ministers or Attorneys General of the Americas, Dr. Mónica Nágel Berger, and the Secretary General of the OAS, His Excellency César Gaviria, made their corresponding addresses. Likewise, the President of the Republic, Dr. Miguel Ángel Rodríguez Echeverría, closed the Third Meeting of Ministers of Justice, or of Ministers or Attorneys General of the Americas.

8. List of participants

The list of participants at the meeting is published as document REMJA-III/doc.12/00 rev. 1.

9. List of documents

The list of documents processed by the Secretariat is attached to this report.

CHAPTER IV

CONCLUSIONS AND RECOMMENDATIONS

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 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, fed by data from 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 and to provide 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.

THIRD MEETING OF MINISTERS OF JUSTICE
OR OF MINISTERS OR ATTORNEYS GENERAL
OF THE AMERICAS
March 1-3, 2000

OEA/Ser.K
REMJA/III/doc2/00 rev. 4
17 March 2000
Original: TEXTUAL

LIST OF DOCUMENTS REGISTERED BY THE SECRETARIAT
AS OF MARCH 17, 2000

<u>Clasificación y No. de trabajo</u>	<u>Título</u> ^{12/}	<u>Idioma</u> ^{13/}
OEA/Ser. K/XXXIV.3 <u>REMJA-III/doc.</u>		
REMJA-III/doc.1/00 MJ00119	Centro de Estudios de Justicia de las Américas (Documentos compilados por la Secretaría General)	E I F P
REMJA-III/doc.1/00 add. 1 MJ00135	Centro de Estudios de Justicia de las Américas (Retiro de candidatura por parte de República Dominicana)	E I F P
REMJA-III/doc.1/00 add. 2 MJ00136	Centro de Estudios de Justicia de las Américas (Información complementaria suministrada por Argentina sobre su ofrecimiento de sede)	E I F P
REMJA-III/doc.2/00 MJ00120	Lista de documentos registrados por la Secretaría al 29 de febrero de 2000	TEXTUAL
REMJA-III/doc.2/00 rev. 1 MJ00132	Lista de documentos registrados por la Secretaría al 1 de marzo de 2000	TEXTUAL
REMJA-III/doc.2/00 rev. 2 MJ00152	Lista de documentos registrados por la Secretaría al 2 de marzo de 2000	TEXTUAL
REMJA-III/doc.2/00 rev. 3 MJ00169	Lista de documentos registrados por la Secretaría al 3 de marzo de 2000	TEXTUAL
REMJA-III/doc.2/00 rev. 4 MJ00176	Lista de documentos registrados por la Secretaría al 17 de marzo de 2000	TEXTUAL

12. Título registrado en el idioma original.

13. E = español, I = inglés, F = francés, P = portugués.

REMJA-III/doc.3/00 MJ00121	Proyecto de temario (Aprobado por el Consejo Permanente en su sesión celebrada el 11 de febrero de 2000)	E I F P
REMJA-III/doc.3/00 rev. 1 MJ00147	Temario (Aprobado en la primera sesión de trabajo celebrada el 1 de marzo de 2000)	E I F P
REMJA-III/doc.4/00 MJ00124	Proyecto de calendario y actividades especiales (Aprobado por el Consejo Permanente en su sesión celebrada el 11 de febrero de 2000)	E I F P
REMJA-III/doc.4/00 rev. 1 MJ00129	Proyecto de calendario (Aprobado por el Consejo Permanente en su sesión celebrada el 11 de febrero de 2000)	E I F P
REMJA-III/doc.4/00 rev. 2 MJ00137	Proyecto de calendario (Aprobado por el Consejo Permanente en su sesión celebrada el 11 de febrero de 2000)	E I F P
REMJA-III/doc.4/00 rev. 2 MJ00139	Proyecto de calendario (Aprobado por el Consejo Permanente en su sesión celebrada el 11 de febrero de 2000)	E I F P
REMJA-III/doc.4/00 rev. 4 MJ00148	Calendario (Aprobado en la primera sesión de trabajo celebrada el 1 d emarzo de 2000)	E I F P
REMJA-III/doc.5/00 MJ00122	Cuestionario preparado durante la Primera Reunión de Expertos Gubernamentales sobre Delito Cibernético (Documentación compilada por la Secretaría General de la OEA)	E I F P
REMJA-III/doc.5/00 add. 1 MJ00134	Cuestionario preparado durante la Primera Reunión de Expertos Gubernamentales sobre Delito Cibernético (Documentación compilada por la Secretaría General de la OEA)	E I F P
REMJA-III/doc.6/00 MJ00123	Extradición, decomiso de activos y asistencia jurídica mutua (documentación compilada por la Secretaría General de la OEA)	E I F P
REMJA-III/doc.6/00 add. 1 MJ00133	Extradición, decomiso de activos y asistencia jurídica mutua (documentación compilada por la Secretaría General de la OEA)	E I F P

REMJA-III/doc.7/00 MJ00125	Acceso a la justicia y resolución alterna de conflictos (Documento presentado por la Misión Permanente de Costa Rica ante la OEA al Grupo Especial Encargado de Dar Cumplimiento a las Recomendaciones de las Reuniones de Ministros de Justicia o de Ministros o Procuradores Generales de las Américas)	E I F P
REMJA-III/doc.8/00 MJ00126	Salud integral en población privada de libertad ((Documento presentado por la Misión Permanente de Costa Rica ante la OEA al Grupo Especial Encargado de Dar Cumplimiento a las Recomendaciones de las Reuniones de Ministros de Justicia o de Ministros o Procuradores Generales de las Américas)	E I F P
REMJA-III/doc.9/00 MJ00127	Informe final de la Segunda Reunión de Expertos Gubernamentales sobre Delito Cibernético	E I F P
REMJA-III/doc.10/00 MJ00128	La Cooperación jurídica y judicial en las Américas (Documento presentado por la Secretaría General de la OEA/Subsecretaría de Asuntos Jurídicos)	E I
REMJA-III/doc.11/00 MJ00142	Informe del Consejo Directivo del Centro de Estudios de Justicia de las Américas	E I F P
REMJA-III/doc.11/00 rev. 1 MJ00158	Informe del Consejo Directivo del Centro de Estudios de Justicia de las Américas	E I F P
REMJA-III/doc.12/00 MJ00155	Lista de participantes (Versión provisional)	TEXTUAL
REMJA-III/doc.12/00 rev. 1 MJ00168	Lista de participantes	TEXTUAL
REMJA-III/doc.13/00 MJ00164	Conclusiones y recomendaciones (Documento preparado por el Grupo de Trabajo Encargado de Elaborar las Conclusiones y Recomendaciones)	E I F P
REMJA-III/doc.14/00 MJ00167	Informe final de la Tercera Reunión de Ministros o Procuradores Generales de las Américas (Versión provisional)	E I F P
REMJA-III/doc.14/00 rev. 1 MJ00174	Informe final de la Tercera Reunión de Ministros o Procuradores Generales de las Américas (Versión provisional)	E I F P

REMJA-III/doc.14/00 rev. 2 MJ00177	Informe final de la Tercera Reunión de Ministros o Procuradores Generales de las Américas	E I F P
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REMJA-III/INF.1/00 MJ00131	Actividades especiales (Aprobado por el Consejo Permanente en sesión celebrada el 11 de febrero de 2000)	E I F P
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REMJA-III/INF.2/00 MJ00146	Discurso del Embajador Christopher R. Thomas, Secretario General Adjunto de la Organización de los Estados Americanos	TEXTUAL
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REMJA-III/INF.3/00 MJ00160	Discurso del Presidente de la República de Costa Rica Miguel Ángel Echeverría en la inauguración de la Tercera Reunión de Ministros de Justicia o de Ministros o Procuradores Generales de las Américas	E
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REMJA-III/INF.6/00 MJ00175	Ponencia del señor Ministro de Justicia de Bolivia, Dr. Juan Antonio Chahin Lupo, sobre extradición, decomiso de activos y asistencia jurídica	E
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REMJA-III/INF.7/00 MJ00178	Discurso del Secretario General de la OEA, César Gaviria	E
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REMJA-III/RES.2/00 MJ00166	Felicitaciones a la Presidenta de la Tercera Reunión	E I F P
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REMJA-III/OD.3/00 MJ00163	Orden del día, viernes 3 de marzo de 2000	E I F P