

FOURTH MEETING OF MINISTERS OF JUSTICE
OR OF MINISTERS OR ATTORNEYS GENERAL
OF THE AMERICAS
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RECOMMENDATIONS OF REMJA-IV

(Adopted at the fifth plenary session held on March 13, 2002)

RECOMMENDATIONS OF REMJA-IV

At the close of discussion on the various items on its agenda, the Fourth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA-IV), convened within the framework of the OAS, adopted the following conclusions and recommendations:

I. Legal and judicial cooperation in fighting transnational organized crime and terrorism

The damage caused and the threat posed by the different types of transnational organized crime and terrorism, both to our democracies and to the economic and social development of our states, make it necessary and urgent to strengthen and enhance mutual legal and judicial cooperation at the hemispheric level.

In this regard, REMJA-IV agrees to initiate a process aimed at the adoption of a hemispheric Plan of Action in the area of mutual legal and judicial cooperation in order to join forces to combat the various manifestations of transnational organized crime and terrorism, in keeping with the commitment made by the Heads of State and Government at the Third Summit of the Americas.

To that end, REMJA-IV recommends:

1. That states that have not yet done so take the following necessary measures, as soon as possible, in order to:
 - a. Sign and ratify, ratify, or accede to, as appropriate, the inter-American treaties on legal and judicial cooperation in criminal matters, including the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials; the Inter-American Convention on Mutual Assistance in Criminal Matters; the Inter-American Convention on Extradition; and the Inter-American Convention against Corruption.
 - b. Sign and ratify, ratify, or accede to, as appropriate, the United Nations Convention Against Transnational Organized Crime and the Protocols thereto.
 - c. Establish necessary domestic measures for the effective use of the aforementioned international instruments.
 - d. Appoint their respective central authorities for the inter-American treaties on mutual legal and judicial cooperation in criminal matters.
 - e. Respond to the questionnaire prepared by the OAS General Secretariat relating to the Inter-American treaties on legal and judicial cooperation in criminal matters.

2. That the states continue to participate actively in the work of the Inter-American Committee against Terrorism (CICTE) and in the negotiation process for an inter-American convention in this area, paying special attention to the need to strengthen mechanisms for hemispheric cooperation and considering the link between transnational organized crime and terrorism.
3. That the OAS General Secretariat conclude, on the basis of the information provided by the states, studies on the obstacles they encounter both to signing, ratifying, acceding to, and implementing the inter-American treaties on legal and judicial cooperation in criminal matters and to making mutual legal assistance in countering the different types of transnational organized crime more effective, flexible, timely, and efficient.
4. That, in the framework of the work of the Special Group of the OAS Permanent Council entrusted with implementing the REMJA recommendations, a group of governmental experts in the area of mutual legal and judicial cooperation in criminal matters be convened as soon as possible, including the central authorities for the inter-American treaties on legal and judicial cooperation in this area, with the mandate of drawing up a proposed hemispheric Plan of Action to consolidate and enhance mutual legal and judicial cooperation in combating the various manifestations of transnational organized crime and terrorism. The said proposal will be submitted to REMJA-V for consideration and approval.

In the formulation of the proposed Plan of Action, the following points, *inter alia*, should be taken into account:

- a. The proposal should be comprehensive in nature and refer to all aspects needed to consolidate and enhance mutual legal and judicial cooperation in combating the various forms of transnational organized crime and terrorism, specify the measures that should be promoted or adopted in each case, and define related goals to allow for periodic follow-up to the progress made in achieving them.
- b. The progress made in this field, the actions taken in the REMJA process, and those taken or being promoted in specific areas in the framework of other organs or intergovernmental meetings at the hemispheric level, such as CICTE, the Consultative Committee of the Inter-American Convention against the Illicit Manufacture of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA), and the Follow-up Mechanism of the Inter-American Convention against Corruption.
- c. The progress made in this area both in the United Nations and in subregional organizations, for example the CARICOM Ministerial Consultation on the United Nations Convention Against Transnational Organized Crime and the protocols thereto, and the CARICOM High-Level Meeting on Drugs and Crime, both held in Port of Spain at the end of 2001.

- d. The necessity and advisability of moving toward an improved information exchange network for mutual legal assistance in criminal matters, as a basic part of a strategy for hemispheric cooperation in this area.
 - e. The importance of incorporating as a part of the Plan of Action, technical and financial support programs, training programs, the exchange of experiences, and other forms of cooperation that will allow for the full participation of all states.
 - f. The importance of considering the social scope of justice with a view to strengthening mutual legal and judicial cooperation and making it more effective.
 - g. The advisability of improving mechanisms for extradition in the Hemisphere, including consideration of the adoption of temporary extradition, as appropriate under national law, in order to avoid impunity.
 - h. The advisability of adopting the necessary domestic legislative measures to ensure the seizure of assets and the return of funds obtained illegally as a result of corruption, as well as strengthening means of communication on this topic between the OAS and the UN in order to avoid a duplication of efforts.
5. That the OAS General Secretariat organize a cooperation program for promoting the ratification and implementation of the Inter-American Convention against Corruption in those Caribbean states that have not yet done so.

II. Information Exchange Network for Mutual Legal Assistance in Criminal Matters

Taking into account the usefulness and importance of a hemispheric mutual legal assistance network, as well as the mandates of the Third Summit of the Americas and resolution AG/RES. 1781 (XXXI-O/01) of the OAS General Assembly, REMJA-IV recommends:

- 1. That the Working Group, made up of Argentina, The Bahamas, Canada, and El Salvador, with the support of the OAS General Secretariat, continue its activities so that said network may extend to all countries of the Americas.
- 2. That the network gradually incorporate useful information on areas related to mutual legal assistance in criminal matters.
- 3. That further consideration be given to the idea of creating a secure private network for use by authorized government officials from the American states.
- 4. That a meeting of central authorities and other experts be held in the area of mutual legal assistance with the following objectives:

- a) To consider various useful alternatives for expanding the information exchange network.
 - b) To analyze the challenges that all OAS member states have to encounter with regard to mutual legal assistance and to propose solutions.
5. That the offer by the Government of Canada to host the meeting of central authorities and other experts, referred to in the previous paragraph, be accepted.

III. IMPROVING THE ADMINISTRATION OF JUSTICE

With regard to the areas considered at this meeting concerning the improvement of the administration of justice, REMJA-IV recommends:

1. That a register of alternative means of conflict resolution be established at the inter-American level that will refer to the services provided by governmental and nongovernmental centers, as well as programs dealing with the topic in the Hemisphere.
2. That the Justice Studies Center of the Americas (CEJA) compile the information in said register and disseminate the alternative means of conflict resolution used in different countries in order to promote the adoption of these mechanisms in national legislations.
3. That, in the framework of the OAS, a meeting be convened of officials responsible for the penitentiary and prison policies of the OAS member states for the purpose, *inter alia*, of promoting the exchange of information and experiences among them regarding the formulation, development, and evaluation of public policies in this field, including the proposal to set up a permanent information exchange network in this area through the Internet.

IV. CYBER-CRIME

REMJA-IV recommends:

1. That the states complete the questionnaire prepared by the OAS General Secretariat in order to assess the progress made and with a view to implementing as soon as possible the recommendations drawn up by REMJA-III on the fight against cyber-crime.
2. That, in the framework of the activities of the OAS working group to follow up on the REMJA recommendations, the Group of Governmental Experts on Cyber-Crime be reconvened and given the following mandate:

- a. To follow up on implementation of the recommendations prepared by that Group and adopted by REMJA-III, and
- b. To consider the preparation of pertinent inter-American legal instruments and model legislation for the purpose of strengthening hemispheric cooperation in combating cyber-crime, considering standards relating to privacy, the protection of information, procedural aspects, and crime prevention.

V. JUSTICE STUDIES CENTER OF THE AMERICAS

REMJA-IV recommends:

1. Expressing its satisfaction that the Justice Studies Center of the Americas (CEJA) has successfully launched its activities and is carrying out major projects to support the modernization of justice in the region, and welcoming the 2001 Annual Report and the 2002 Work Plan presented by CEJA.
2. Requesting CEJA to provide technical studies to the meeting of governmental experts on mutual legal and judicial cooperation in criminal matters, taking into account its consultations with the different actors in this field.
3. Urging CEJA to make available to the Network on Mutual Legal Assistance in Criminal Matters the work that is being done with institutions in the judicial sector associated with it, and to make necessary efforts to cooperate with the Network as efficiently as possible.
4. Reaffirming the need for various states of the region to support the work of CEJA by making the necessary voluntary contributions as soon as possible to allow the institution to carry out its mandate.
5. Requesting CEJA to provide training to the OAS member states within its mandate and the framework of available financial resources.
6. Urging the multilateral financing institutions to support implementation of the initiatives of this meeting.

Port of Spain, Trinidad and Tobago, March 13, 2002