

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

OEA/Ser.K/XXXIV.5
REMJA-V/doc.9/04

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

CONTENTS

	Page
INTRODUCTION	
1. Convocation	9
2. Scope of the Mandate	9
CHAPTER I BACKGROUND	11
1. First Meeting of Ministers of Justice or of Ministers or Attorneys General (Buenos Aires, 1997) 11	
2. Second Summit of the Americas (Santiago, Chile, 1998)1	14
3. Dialogue on the Topic of Administration of Justice in the Americas. General Assembly of the OAS (Caracas, Venezuela, June 1998).....	15
4. Second Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas (Lima, Peru, March 1999)	16
5. Third Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas.....	20
6. Fourth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas	25
CHAPTER II FIFTH MEETING OF MINISTERS OF JUSTICE OR OF MINISTERS OR ATTORNEYS GENERAL OF THE AMERICAS.....	32
1. Inaugural session.....	32
2. First plenary session.....	32
3. Second plenary session	34
4. Third plenary session	35
5. Fourth plenary session.....	37
6. Fifth plenary session	39
7. Date and place of REMJA-VI.....	39
8. Conclusions and Recommendations	39
9. Closing session	40
APPENDIX I Conclusions and Recommendations of REMJA-V.....	41
APPENDIX II Resolution “Tribute to the Secretary General of the OAS”	53
APPENDIX III Resolution:“Congratulations to the President and Vice Presidents of the Fifth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas”	55
APPENDIX IV List of documents	57

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

INTRODUCTION

1. Convocation

At its thirty-third regular session, held in Santiago, Chile, José, Costa Rica ,the General Assembly of the Organization of American States (OAS) adopted resolution AG/RES. 1924 (XXXIII-O/03), as follows:

“To convene the Fifth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA-V), to be held during the first half of 2004, within the resources allocated in the program-budget of the Organization and other resources...”

It is important to note that in addition to taking into account the report of the Permanent Council on the Fourth Meeting of Ministers of Justice of Ministers or Attorneys General of the Americas, held in Port of Spain, Trinidad and Tobago in March 2002, the OAS General Assembly was mindful of the agreements reached by the Heads of State and Government in the Plan of Action of the Third Summit of the Americas, in which they decided to “continue to support the work done in the context of the Meetings of Ministers of Justice and Attorneys General of the Americas... as well as subsequent meetings, and the implementation of their conclusions and recommendations”.

2. Scope of the mandate

Pursuant to the aforementioned resolution AG/RES. 1924 (XXXIII-O/03), the General Assembly instructed the Permanent Council of the OAS to:

1. “[F]ollow up as appropriate on the recommendations of the Meeting of Central Authorities and Other Experts on Mutual Legal Assistance in Criminal Matters, held in Ottawa, Canada, from April 30 to May 2, 2003, and the recommendations of the initial meetings of the Group of Governmental Experts on Cyber-Crime and the Authorities Responsible for Penitentiary and Prison Policies, to be held on June 23 and 24 and October 16 and 17, 2003, respectively, pursuant to Permanent Council resolution CP/RES. 839 (1359/03).
2. [I]nstruct the Permanent Council to present a report to the General Assembly at its thirty-fourth regular session on the implementation of this resolution.

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 resolution 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 so as to prepare the agenda and convene and organize the meeting, and requested that it report on the implementation of that resolution 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 the Argentine Republic 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 sub regional 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, from December 1 to 3, 1997.

At the conclusion of its discussions on 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":

1. “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.”
2. “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.”
3. “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.”
4. “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 Rights of the Child and other international instruments.”
5. “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.”
6. “Foster the establishment and strengthening of specialized tribunals or courts for family matters, as appropriate, and in accordance with their respective legal systems.”
7. “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.”
8. “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.”
9. “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).”

This last 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 of 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
 - Ongoing 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 (XXVIII-O/98), "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, the General Assembly decided, in resolution AG/RES. 1562 (XXVIII-O/98),^{1/} 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 to 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.^{2/}

^{1.} REMJA/doc.33/97, Final Report of the Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas.

^{2.} CP/CAJP-1403/98, Draft Agenda for the Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas.

Accordingly, the Permanent Council, having seen the report of the Committee on Juridical and Political Affairs³, 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

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.)
- 5. 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:

³. CP/CAJP-1432/98, Draft Agenda for the Second Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas.

I. Access to Justice

1. 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.
2. 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 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:

- a. Complete a diagnosis of criminal activity which targets computers and information, or which uses computers as the means of committing an offense;
- b. Complete a diagnosis of national legislation, policies and practices regarding such activity;
- c. Identify national and international entities with relevant expertise; and
- d. 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.

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

The ministers of foreign affairs and heads of delegation gathered at the twenty-ninth regular session of the General Assembly, after considering the Plan of Action of the Second Summit of the Americas and the conclusions and recommendations adopted by the Second Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, held in Lima, Peru, in March 1999 (CP/doc. 3186/99), decided in resolution AG/RES. 1615 (XXIX-O/99) to convene the Third Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas.

The Permanent Council, in resolution CP/RES. 766 (1222/00), adopted the following agenda for REMJA-III:

1. Election of the chair
2. Election of the vice chairs
3. Adoption of the draft agenda and draft schedule
4. Follow-up on the conclusions and recommendations of the Meetings of Ministers of Justice or of Ministers or Attorneys General of the Americas:
 - a. Justice Studies Center of the Americas
 - b. Cybercrime
 - c. Extradition, forfeiture of assets, and mutual legal assistance
5. Report of the Board of Directors of the Justice Studies Center of the Americas pursuant to the second transitory provision of the Statutes of the Center

6. Headquarters of the Center
7. Prison and penitentiary policy:
 - All aspects of health in prisons
(Health care, communicable diseases, sexually transmitted diseases, AIDS, drug use, etc.)
8. Access to justice:
 - Alternative conflict resolution
 - Other mechanisms
9. Conclusions and recommendations

The deliberations of REMJA-III resulted in the conclusions and recommendations given below.

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 General Assembly at its thirtieth regular session.

1. Cyber-crime

- ❖ REMJA-III, 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:
- ❖ Identify one or more public entities within their country that will have primary authority and responsibility to investigate and prosecute cyber-crime;
- ❖ Take steps to enact legislation covering cyber-crime, if they have not already done so;
- ❖ 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;
- ❖ Determine their training needs in the area of cyber-crime and explore bilateral, regional, and multilateral cooperation mechanisms to meet those needs;
- ❖ 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;
- ❖ 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;
- ❖ Consider various measures, including setting up a Voluntary Specific Fund, to support efforts to expand cooperation on this matter in the Hemisphere;

- ❖ 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;
- ❖ Monitor compliance with 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 cooperation

REMJA-III welcomes the progress achieved in complying with the recommendations made at REMJA-II, especially with regard to the 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:

- ❖ 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;
- ❖ Invites the OAS to disseminate that information through its Web page;
- ❖ 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 respective executive and judicial branches;
- ❖ Emphasizes the need to promote heightened awareness among members of the legislative and judicial branches regarding their responsibility in respect of extradition procedures;
- ❖ 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 the plenary session of REMJA-IV. That network, representing the different legal systems in the Hemisphere, should rely as far as possible on electronic communications media, especially the Internet;
- ❖ 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, REMJA-III:

- ❖ Invites member states of the OAS to seek ways to reduce overcrowding in prisons, making use, *inter alia*, of alternatives to imprisonment;

- ❖ Urges governments to share experiences acquired in their prison systems with respect to all aspects of the health of the present or former prison population in order to prevent the spread of HIV/AIDS, STDs, addictions and prison violence;
- ❖ Invites member states of the OAS to foster the development of cooperation projects for providing training for personnel in this area, with the support of international and national, government or nongovernmental organizations;
- ❖ Requests member states of the OAS to monitor, with the help of experts in this 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;
- ❖ Invites member states of the OAS with the relevant experience to share information regarding the participation of private enterprises in the construction and/or running 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 justice administration systems, REMJA-III:

- ❖ Reiterates its commitment to improve access to justice for the inhabitants of member states of the OAS through the promotion and use of alternative conflict resolution methods, such as recourse to flexible and expeditious judicial and extrajudicial channels contributing to democratic development;
- ❖ Urges member states of the OAS with experience in this field to offer their cooperation in developing and fostering these alternative mechanisms;
- ❖ Recommends that, as part of the legal cooperation activities being carried out by the General Secretariat of the OAS, an effort be made to foster the development and execution of 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;
- ❖ Urges member states of the OAS to promote, in accordance with their respective legislation, the incorporation into educational programs of material encouraging the use of dialogue, negotiation, mediation, and other suitable approaches to dealing with conflicts that are designed to strengthen peaceful coexistence and further a culture of peace and human rights;
- ❖ Resolves to follow-up on the topic of alternative conflict resolution in the framework of the OAS, in order to continue fostering the sharing of experience and cooperation among member states of the OAS.

5. Justice Studies Center of the Americas

REMJA-III:

- ❖ Welcomes the establishment of the Justice Studies Center of the Americas; the adoption of its Statutes; and the installation of its Board of Directors by the General Assembly of the OAS, pursuant to the mandates of the Second Summit of the Americas;

- ❖ 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;
- ❖ Resolves that the site for the Justice Studies Center of the Americas will be in Santiago, Chile, as provided for in the powers assigned to the REMJA under the Statutes of the Center and bearing in mind the recommendation made by the Board of Directors. REMJA-III 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;
- ❖ Urges the member states and permanent observers of the OAS to contribute voluntary funds to finance the activity of the Center, in accordance with the provisions of Article 17 of the Statutes of the Justice Studies Center of the Americas;
- ❖ Encourages the Board of Directors to proceed with the preparation of the rules of procedures; with the signature of a Site Agreement with the Government of Chile; with the preparation of a draft work plan for the Center; and with the appointment of its Executive Director;
- ❖ Requests the General Assembly of the OAS to proceed to approve the appointment of the person chosen by the Board of Directors as Executive Director of the Center, pursuant to Article 6 of the Statutes of the Center in order to ensure that it can start functioning as soon as possible;
- ❖ Invites the Board of Directors duly to take into account the conclusions and recommendations of REMJA-III when devising its work plan and in the activities carried out by the Center, as provided for in Article 12 of its Statutes.

6. Fourth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas

The General Assembly of the Organization of American States, meeting at its thirty-third regular session, held in San José, Costa Rica, and bearing in mind the agreements reached by the Heads of State and Government at the Third Summit of the Americas, adopted resolution AG/RES. 1781 (XXXI-O/01), in which it convened the Fourth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas and instructed the Permanent Council to prepare the agenda and the preliminary documents for the meeting and to set a date for it.

On February 13, 2002, the Permanent Council, after listening to a presentation by Mr. Mackisack Logie, Alternate Representative of the Permanent Mission of Trinidad and Tobago, on the report of the Special Group on Justice concerning the draft agenda and schedule for REMJA-IV, as well as the observations made by delegations on those drafts, adopted the following draft agenda:

I

DIALOGUE OF HEADS OF DELEGATION

Topic: “Legal and judicial cooperation in fighting transnational organized crime and terrorism”

II

1. Mutual legal assistance

- 1.1 Agreements on legal and judicial cooperation in the Americas: Applicability, implementation, and improvement of cooperation instruments at the inter-American level
 - 1.2. Extradition
 - 1.3. International cooperation for the repatriation of illegal funds derived from corruption
 - 1.4. Information exchange network
2. Improving the administration of justice
 - 2.1. Access to justice: Alternative means of conflict resolution and other mechanisms
 - 2.2. Penitentiary and prison policy
3. Cyber-crime
4. Report of the Justice Studies Center of the Americas
5. Recommendations

The Fourth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas was held from March 10 to 13, 2002, in Trinidad and Tobago. The Meeting was chaired by the Honorable Senator Glenda Morean, Attorney General of the Republic of Trinidad and Tobago. Mrs. Elizabeth Süssekind, National Secretary of Justice of Brazil, and Mr. Martin Cauchon, Minister of Justice and Attorney General of Canada, were elected First Vice President and Second Vice President, respectively.

The Meeting decided to install the Working Group and charged it with preparing the draft recommendations of REMJA-IV and the draft agenda for REMJA-V. The plenary of the Meeting elected Mr. Mackisack Logie, of Trinidad and Tobago, as Chair of the Working Group.

As the final item on its agenda, the Fourth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas adopted the following conclusions and recommendations, for submission, through the Permanent Council, to the General Assembly at its thirty-fourth regular session.

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:

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.

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.

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.

CHAPTER II

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

1. Inaugural session

The Fifth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas was officially opened on April 28, 2004 at 9:30 a.m. in the Hall of the Americas in the Main Building of the Organization of American States (OAS) in Washington, D.C. Speaking at the opening session were His Excellency Mr. César Gaviria, Secretary General of the Organization of American States, and His Excellency Ambassador Miguel Ruiz-Cabañas Izquierdo, the Permanent Representative of Mexico to the OAS and Chair of the Permanent Council.

2. First Plenary Session

At 10:00 a.m. on April 28, 2004, His Excellency Ambassador Miguel Ruiz-Cabañas called the first plenary session of REMJA-V to order. Pursuant to the agenda approved by the Permanent Council of the OAS, the meeting then proceeded to elect its President.

a. Election of the President

On a motion by the head of delegation of Chile, seconded by the head of delegation of the United States, His Excellency Mr. Rafael Marcedo de la Concha, Attorney General of the Republic of Mexico, was elected by acclamation President of the Fifth Meeting of Ministers of Justice or Ministers or Attorneys General of the Americas,

b. Election of the vice presidents

On a motion by the head of delegation of Colombia, seconded by the head of delegation of Guyana, His Excellency Mr. Irwin Cotler, Minister of Justice and Attorney General of Canada, was elected by acclamation First Vice President of REMJA-V.

On a motion by the head of delegation of Uruguay, Her Excellency Mrs. Patricia Vega Herrera, Minister of Justice of Costa Rica, was elected by acclamation second vice president.

Finally, on a motion by the head of delegation of Antigua and Barbuda, His Excellency Mr. Alfred Sears, Attorney General and Minister of Education of the Bahamas, was elected third vice president of REMJA V.

Once the elections of the officers of REMJA V had concluded, the President took up his post and addressed the plenary to thank the delegations for electing him and refer to work of the meeting.

c. Adoption of the draft agenda and schedule

The President of the Meeting submitted to the Plenary the draft agenda and the draft schedule. Both were approved unanimously.

d. Installation of the Working Group

The Meeting decided to install the Working Group and entrusted it with preparation of the draft conclusions and recommendations of REMJA V.

In addition, on a motion by the head of delegation of Panama, Ambassador Miguel Angel González Félix of the Delegation of Mexico was elected by acclamation Chair of the Working Group.

e. Dialogue of Heads of Delegation

The President of REMJA-V then began the dialogue of heads of delegation. He pointed out that the Heads of State and Government meeting at the Third Summit of the Americas in Quebec City, Canada, in April 2001 recognized that equal access to independent, impartial, and timely justice is a cornerstone of democracy and economic and social development, and that they welcomed more frequent meetings, consultations, and collaboration among the justice ministers, supreme court justices, attorneys general, ombudsmen, law enforcement officials, and others; furthermore, that they noted with satisfaction the increased interest in collaborating and sharing experiences to develop and implement judicial reforms.

The President of REMJA-V said that the Heads of State and Government had reiterated at the Summits of the Americas their unconditional support for these ministerial meetings and that, at the end of the debate on the various items on the agenda of REMJA-IV, held in Trinidad and Tobago in March 2002, several recommendations had been adopted, which were then endorsed by the OAS General Assembly.

Finally, he pointed out that for this REMJA-V, it had been agreed to initiate a process leading to adoption of a hemispheric plan of action with respect to mutual legal and judicial cooperation in order to combat the various manifestations of international crime.

After hearing the above, the Plenary listened to observations put forward by the delegations, which referred specifically to terrorism, which they considered a crime against humanity and therefore suggested that a study be carried out regarding universal jurisdiction for such offenses, that would respect, inter alia, the principle of due process, as well as hemispheric measures to combat them.

As for corruption, the delegation pointed to the need for a culture of transparency in the Hemisphere, avoiding giving safe haven to the corrupt in the Americas, and the establishment of specific measures to combat this scourge, along with cybercrime and transnational organized crime.

On the subject of judicial mutual assistance, the delegations took note of the proposal to reduce or eliminate the factors that delay processing of requests for judicial assistance and to apply legal instruments that further practical implementation of such assistance. They also underscored the importance of continuing to hold periodic meetings on mutual judicial assistance and on cybercrime, as well as the meetings of authorities responsible for penitentiary and prison policy in the Americas.

At the same time, the delegations placed on record national efforts to improve the Administration of Justice, based on the recommendations arising out of these ministerial meetings (REMJAs).

Finally, the representative of the Delegation of France, a Permanent Observer to the OAS, delivered, with the consent of the plenary, a speech on the agenda of REMJA V, underscoring, among other items, the issues related to the recent terrorist attacks.

3. Second Plenary Session

The second plenary session began at 2:30 p.m. on April 28, with a continuation of the debate on the topic for the dialogue of heads of delegation, during which the delegations presented their observations, which were reflected in the general comments made during the first session.

Having concluded the first item of REMJA-V, the President suggested that the plenary might take note of the comments and especially the recommendations put forward by the delegations, and transmit them to the Working Group for due consideration.

The plenary then began the first point on the agenda regarding Hemispheric Cooperation against Transnational Organized Crime and Against Terrorism.

The item was presented by the Delegation of Mexico, which referred specifically to the Declaration on Security in the Americas, adopted in Mexico City on October 28, 2003.

The Delegation of Mexico gave a brief summary of that declaration and emphasized, in particular, that terrorism constitutes a grave threat to the security, institutions, and democratic values of states and to the welfare of peoples.

At the same time, the Delegation of Mexico referred to the financing of terrorist acts and the need to combat them while abiding by the rule of law and international law, as well as international human rights law, international refugee law, the Inter-American Convention against Terrorism, and UN Security Council resolution 1373 (2001), as proclaimed in the Declaration on Security in the Americas.

Following that presentation, the plenary agreed to hear any observations and recommendations that the delegations might have, once all the items to be considered in this session had been covered.

That being so, the plenary proceeded to listen to the presentations given by the Secretariat pro tempore of the Consultative Committee of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA), the Inter-American Committee against Terrorism (CICTE), and the Inter-American Drug Abuse Control Commission (CICAD), on follow-up to the recommendations of REMJA-IV.

The plenary then proceeded to consider the second item on the agenda, regarding Mutual Legal Assistance in Criminal Matters and Extradition.

To consider this topic, the President of the Meeting of Central Authorities and Other Experts on Mutual Legal Assistance in Criminal Matters read out the report of that Meeting, which took place in Ottawa, Canada, from April 30-May 2, 2003, and referred specifically to the recommendations adopted, progress made, and new developments in this field.

The Meeting then went on to consider the item on the Hemispheric Information Exchange Network for Mutual Legal Assistance in Criminal Matters, its installation and adoption.

To introduce consideration of this item, the Chair of the Working Group on the Hemispheric Network presented his report and then gave a brief description of the mechanisms for adopting and installing this

network in the states of the Hemisphere, its scope, and the benefits it would bring within the context of mutual cooperation.

At that point, the plenary agreed to postpone consideration of the item marked 2.3 on “temporary extradition,” which would be addressed in the third session.

In light of the above, the delegation of Argentina introduced the subject of “Harmonization of Criminal Provisions and International Cooperation Procedures” and mentioned that, although the international community had advanced in the preparation of rules governing the fight against corruption and transnational organized crime, numerous international treaties contained clauses that require the preparation of domestic provisions to make them applicable. The Delegation pointed out that harmonization of their respective criminal provisions and international cooperation procedures among member states of the OAS would contribute to improved and more effective legal and judicial cooperation in the Americas. The Delegation submitted for consideration the recommendation that the OAS collaborate with member states in the process of matching their domestic legal orders with the international obligations acquired in this field, as regards both legal definition of criminal conduct not contemplated in their domestic legislation and the updating of existing criminal provisions, all of which would be accomplished through the drafting of a model law by the body deemed most appropriate for that purpose in the Organization.

4. Third Plenary Session

The third plenary session of REMJA-V was called to order at 9:30 a.m. and began its deliberations with consideration of the topic Hemispheric Cooperation on Penitentiary and Prison Policy.

Mrs. Concepción Corro de Tello, a member of the delegation of Panama and Chair of the First Meeting of Authorities Responsible for Penitentiary and Prison Policies of the OAS Member States, held on October 16 and 17, 2003, introduced the topic. The plenary thanked her for her presentation and endorsed the recommendations of that meeting, contained in document REMJA-V/doc.6/04.

The delegations said that they supported such meetings and underscored that the authorities responsible for those policies should hold meetings more regularly. They also supported the establishment of an Internet-based data system, given the importance of the matter and the impact the system would have on the implementation of those policies by the OAS member states.

The Meeting took note of the comments made by delegations on the development of penitentiary strategies and policies to help ease overcrowding in prisons, on the basis of respect for human rights.

Once consideration of the previous item had been concluded, the Meeting took up the topic Extradition. 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.

In introducing the topic, the delegation of Mexico underscored the need to review national and international laws governing temporary extradition so that practices might be adopted to facilitate the process.

Some delegations said that they had incorporated temporary extradition into bilateral treaties and emphasized the advisability of reviewing multilateral treaties with a view to adopting practices to facilitate the temporary extradition process in the Hemisphere.

Following the statement by the delegation of Mexico, the meeting took note of the observations made by the plenary and proceeded to consider the topic Hemispheric Cooperation in Fighting Cybercrime.

That topic was presented by the Chair of the Third Meeting of Group of Government Experts on Cybercrime, Mr. Leonard Bailey, a member of the United States delegation, who reported on said meeting, held on June 23 and 24, 2003.

Following the presentation of that report, the plenary adopted the recommendations of said meeting, contained in document REMJA-V/doc.5/04.

Likewise, the meeting took note of the recommendations made by delegations on that topic so that the threats resulting from cybernetic activities might continue to be addressed, as well as of the possibility of allocating resources to train OAS member states that so request in implementing strategies to fight this type of crime.

Moreover, attention was drawn to the advisability of disposing of mechanisms for facilitating broad, effective cooperation in combating cybercrime and, in this connection, the member states would pledge to take the necessary measures to see to it that differences in the description of offenses would not hinder the effectiveness of cooperation through mutual judicial and legal assistance in extradition.

Various delegations referred to the principles of the Council of Europe Convention on Cyber Crime (2001) and, in that regard, the member states were urged to continue to apply it and to accede to it, if they had not already done so.

On the same item, the delegation of Brazil made a presentation on the topic Hemispheric Cooperation in the Establishment of Agile Mechanisms for the Fight against Cybercrime.

Before adjourning the session, the Chair suggested that the recommendations presented by delegation on the topics pertaining to that session be transmitted to the Working Group.

5. Fourth Plenary Session

At 2:30 p.m., the Chair of REMJA V declared the fourth plenary session of this Ministerial Meeting open and began analysis of the agenda item Corruption: Following up on the Commitments of the Declaration of Nuevo León.

The presentation of this issue was given by the Delegation of the United States, referring to the corruption-related items contained in the Declaration of Nuevo León, the document that arose from the Special Summit of the Americas held in Monterrey, Mexico, in January 2004.

The Plenary took due note of the comments and recommendations offered regarding this important question, the most notable of which included the following: those states that had not yet done so were urged to sign and ratify, to ratify, or to adhere to, as applicable, and to implement the 2003 United Nations Convention against Corruption and the 1996 Inter-American Convention against Corruption.

Notice was also taken of the comments made by some delegations regarding the need for increased funding, improved human resources, and accelerated analysis procedures in the first round of the Mechanism for Follow-up on Implementation of the Inter-American Convention Against Corruption.

Also noted were the delegations' comments regarding the adoption of domestic legal measures, in compliance with the applicable international standards, to deny generalized acceptance to corrupt officials and to those guilty of corruption.

It was agreed, in accordance with the basic principles of each state's national law, to adopt legislative or other measures so that confiscated goods acquired fraudulently with public funds could be returned to the state.

Finally, notice was taken of the comments made by several delegations supporting the work of the first meeting of the states parties to the Inter-American Convention against Corruption, which is to take place in Managua, Nicaragua, and should give due consideration to additional specific measures for increasing transparency and combating corruption.

Continuing with the agenda, the Delegation of Colombia then gave a presentation on trafficking in human lives, particularly women and children, and the definition of the crime at the national level, the implementation of international commitments, and steps for increasing hemispheric cooperation.

The Colombian Delegation addressed this issue. It stressed the seriousness of the crime, which must be defined, prevented, and tackled, since its victims are vulnerable and that demands greater international attention and due assistance and protection, at all times in accordance with human rights.

The Delegation of Colombia also noted the existence of an important array of international instruments for guaranteeing women and children protection, including: the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, International Labour Organization Convention No. 182 on the worst forms of child labor, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the Inter-American Convention on International Traffic in Minors, and the protocol to prevent, suppress, and punish trafficking in persons, especially women and children.

In light of this, the delegations recommended, inter alia, implementing as promptly as possible the protocol to prevent, suppress, and punish trafficking in persons, especially women and children, and the Inter-American Convention on International Traffic in Minors.

Finally emphasis was placed on the importance of holding a meeting of the competent national authorities, with the participation of agencies such as the Inter-American Commission of Women (CIM), the Inter-American Children's Institute (IIN), the United Nations, the International Organization For Migration (IOM), etc.

The plenary noted the conclusions and recommendations regarding this matter and agreed to submit them for consideration by the Working Group.

The plenary then turned to the next item on the agenda: the presentation by the Inter-American Commission of Women (CIM) on "Violence against women."

After hearing a brief introduction to this topic by Ms. Carmen Lomellin, Executive Secretary of the CIM, the plenary agreed to urge the member states that to date had not done so to sign, ratify, or to adhere to, as applicable, the Convention of Belém do Pará, to implement it, and to agree on the establishment and launch of a follow-up mechanism for that convention.

As the last issue before this plenary session, attention was given to the report of the Justice Studies Center of the Americas (CEJA).

The chair reminded the delegates that the Justice Studies Center of the Americas was the last entity created by the OAS General Assembly in November 1999 and that, under Article 2 of its Statute, "Its activities shall be carried out in accordance with the policy guidelines reflected in the conclusions and recommendations of the REMJAs and, as appropriate, may take into account the pertinent mandates of the Summit of the Americas and resolutions of the OAS General Assembly."

Dr. Juan Enrique Vargas, Executive Director of CEJA, presented the Center's Annual Report. The delegations then thanked the Center's Board of Directors for their guidance and their initiative in taking preliminary steps in the arena of criminal justice, for the successful launch of their publications on the Internet, and for the important comparative study of the region's standards and practices for criminal procedure, which will help improve the performance of its justice systems.

With respect to CEJA's funding, several delegations asked the Center to organize a working group, comprising the OAS member states and donor countries, to draw up a funding plan; this without prejudice to any voluntary contributions countries may wish to enter into under the terms of the Statute.

Finally, and in accordance with Article 12.A of the Center's Statute, the Executive Director of CEJA was appointed.

In consideration whereof, Dr. Federico Callizo Nicora (Paraguay), President of the Board of Directors, reported that at a meeting held on January 5, 2004, in Santiago, Chile, the Board had unanimously ratified Mr. Enrique Vargas (Chile) in that position.

The plenary consequently approved the renewed mandate of Mr. Enrique Vargas as the Executive Director of CEJA.

Before adjourning the meeting, the chair suggested conveying to the Working Group the recommendations submitted by the delegations vis-à-vis the issues touched on at the session.

6. Fifth plenary session

At 11:30 am the fifth plenary session was opened, and its work began with the consideration of REMJA-V's recommendations. To this end, Amb. Miguel Ángel González Félix, President of the Working Group and a member of the Delegation of Mexico, presented the results of the deliberations from which the recommendations of this ministerial meeting arose.

After the General Secretariat had duly ready out the conclusions and recommendations of REMJA V, the plenary took note of them and agreed to adopt them.

7. Date and venue of REMJA VI

With respect to this topic, the chair emphasized the interest of the Heads of State and Government in these ministerial meetings and, since the Fourth Summit of the Americas was to be held in 2005 in Argentina, suggested that REMJA VI take place in 2006. There being no objection to the Chair's proposal, it was adopted by the meeting.

With regard to the venue for REMJA VI, no offers being made by the delegations present, the chair suggested asking the OAS General Assembly to empower the Permanent Council to decide on the date and venue of REMJA VI, to take place during 2006.

8. Conclusions and Recommendations

At the end of its discussions regarding the different items on its agenda, the Fifth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, by consensus, agreed to convey to the OAS Permanent Council the conclusions and recommendations adopted and set forth in document REMJA-V/doc.7/04 rev.4 (Annex), for them subsequently to be placed before the 34th regular session of the General Assembly, to take place in Quito, Ecuador, in June 2004, in compliance with resolution AG/RES. 1924 (XXXIII-O/03).

9. Closing Session

At 1:30 p.m the Closing Session began. The ceremony was addressed by His Excellency Mr. Rafael Macedo de La Concha, Attorney General of the Republic of Mexico and Chair of the Meeting, and by His Excellency Amb. Luigi E. Einaudi, Assistant Secretary General of the Organization of American States.^{4/}

At 2:10 p.m on April 30, 2004, the chair formally adjourned the Fifth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas.

^{4/} These speeches have been published as REMJA V information documents.

FIFTH MEETING OF MINISTERS OF JUSTICE
OR OF MINISTERS OR ATTORNEYS GENERAL
OF THE AMERICAS
April 28-30, 2004
Washington, D.C.

OEA/Ser.K/XXXIV.5
REMJA-V/doc.7/04 rev. 4
30 April 2004
Original: Spanish

CONCLUSIONS AND RECOMMENDATIONS OF REMJA-V*

* The “Conclusions and Recommendations of REMJA-V” were approved by consensus during the plenary session held on April 30, 2004, in the framework of the Fifth Meeting of Minister of Justice or of Ministers or Attorneys General of the Americas (REMJA-V) held at OAS Headquarters in Washington, D.C., United States.

CONCLUSIONS AND RECOMMENDATIONS OF REMJA-V

Having concluded its deliberations on the various items on its agenda, the Fifth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA-V), convened under the auspices of the OAS, approved the following conclusions and recommendations for transmission, through the Permanent Council, to the General Assembly of the OAS at its thirty-fourth regular session.

I. HEMISPHERIC COOPERATION AGAINST TRANSNATIONAL ORGANIZED CRIME AND AGAINST TERRORISM

REMJA-V reaffirms that the damage caused and the threat posed by the different types of transnational organized crime and terrorism, to our citizens and to our democracies and to the economic and social development of our states, make it necessary and urgent to continue to strengthen and enhance mutual legal and judicial cooperation at the hemispheric level, as well as to enact laws, procedures, and new mechanisms, if they have not done so, to enable them to combat these crimes effectively.

In this connection, it underscores that the Declaration on Security in the Americas, adopted in Mexico City on October 28, 2003, states that terrorism and transnational organized crime are part of the new threats, concerns, and other diverse challenges affecting the security of the states of the Hemisphere and reaffirms that “the Meetings of Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA) and other meetings of criminal justice authorities are important and effective fora for promoting and strengthening mutual understanding, confidence, dialogue, and cooperation in developing criminal justice policies and responses to address new threats to security.”

Considering that, although the international community has made progress in drawing up regulations to combat these forms of crime, differences persist in the way States criminalize this conduct, which can create obstacles for more effective international cooperation.

REMJA-V recognizes that it is advisable that the subject of transnational organized crime continue to be dealt with by the many bodies of the OAS as they have been doing in the framework of their respective competence, such as CICAD, the Consultative Committee of CIFTA, the CIM, the Inter-American Children’s Institute, REMJA, and MESICIC.

REMJA-V reaffirms that the measures carried out by the States Parties in combating terrorism shall take place with full respect for the rule of law, human rights, and fundamental freedoms, without undermining the rights and obligations of States and individuals in keeping with International Law, International Law on Human Rights and International law on Refugees.

REMJA-V expresses satisfaction that in the period following REMJA-IV, OAS Member States have taken significant steps to strengthen hemispheric implementation of United Nations counter-terrorism and transnational organized crime instruments in effectively addressing these crimes. In particular, during the interval between REMJA-IV and REMJA-V, numerous OAS Member States became Party to the 1999 Convention for the Suppression of the Financing of Terrorism, as well as earlier universal counter-terrorism instruments. Similarly, numerous OAS Member States became Party to the 2000 United Nations Convention Against Transnational Organized Crime and its three Complementary Protocols or took substantial steps towards reaching this status. REMJA-V recognizes this notable progress to combat terrorism and transnational organized crime.

REMJA-V also notes with satisfaction that adherence to regional instruments addressing terrorism and organized crime has rapidly accelerated. The 2002 Inter-American Convention Against Terrorism has entered into force on July 10, 2003 and has been ratified by eight (8) Member States of the OAS; and the Inter-

American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Material (CIFTA) has been ratified by twenty-two (22) Member States of the OAS.

REMJA-V also expresses satisfaction at the progress made in strengthening and consolidating cooperation between the States of the Americas to combat terrorism, through the work of the Inter-American Committee against Terrorism (CICTE) and its national contact points.

At the same time, more work remains in crafting effective implementation of hemispheric and global counter-terrorism and organized crime standards, and we note with alarm the increase in terrorist attacks throughout the world and activities of other criminal organizations. Accordingly, we recommend that:

A. HEMISPHERIC COOPERATION AGAINST TRANSNATIONAL ORGANIZED CRIME

1. With respect to combating organized crime, Member States that have not yet done so sign and ratify, ratify, or accede to, as appropriate, and implement the following as quickly as possible:
 - a. The United Nations Convention Against Transnational Organized Crime, the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, and the Protocol Against the Smuggling of Migrants by Land, Sea, and Air. We encourage Member States to complete their internal processes for determining whether to sign and ratify the Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition.
 - b. The Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Material (CIFTA), which, inter alia, sets forth an effective regime for criminalizing illicit arms trafficking that can aid the fight against organized crime and terrorist groups, as well as creating a mechanism for tracing illicitly trafficked weapons to their source.
2. Member States who are Party or signatory to the Transnational Organized Crime Convention and its two protocols in force, work together at the First Conference of the Parties, June 28 to July 9, 2003, to facilitate the successful application of these important international instruments.
3. To recommend to the General Assembly of the OAS that it convene a group of experts to consider the possibility of drawing up a Hemispheric Plan of Action against Transnational Organized Crime as an integrated plan that brings together the efforts that each area of the OAS has been making to address the problem's different aspects, in accordance with the Declaration on Security in the Americas.
4. That the Member States consider, when appropriate, harmonization of their respective legal frameworks with the obligations taken on in this matter. To this end, it is recommended that the General Assembly of the OAS instruct the Inter-American Juridical Committee to conduct a study on the afore-mentioned issue and that it report to the body that the General Assembly has assigned responsibility to consider the possibility of drafting the Hemispheric Plan of Action against Transnational Organized Crime.
5. That the Member States promote greater inter-relations between law enforcement authorities so they can decide on common lines of action in investigating and prosecuting these crimes.
6. Urge States to hold regional and national training seminars and workshops that refer to the different modalities of transnational organized crime.

B. HEMISPHERIC COOPERATION AGAINST TERRORISM

1. With respect to combating terrorism, Member States that have not yet done so sign and ratify, ratify, or accede to, as appropriate, and implement the following as quickly as possible:
 - a. the twelve United Nations counter-terrorism conventions.
 - b. the Inter-American Convention Against Terrorism.
2. Member States have sufficient ability to take law enforcement action with respect to situations in which a terrorist attack has not yet been carried out, and timely investigation and prosecution may prevent the carrying out of such attacks, and take immediate steps to provide for a sufficient ability to pursue and cooperate with each other in respect of such conduct.
3. Each Member State enhances its abilities to facilitate the sharing of information among security services and law enforcement agencies in order to prevent attacks and successfully prosecute terrorists in conformity with applicable national laws and international instruments.
4. In applying Article 7 of the Inter-American Convention against Terrorism, the Member States promote the broadest measures of cooperation, particularly measures to ensure effective cooperation among law enforcement agencies, immigration services, and related agencies, and improve their controls on travel and identity documents.
5. To take note of the work of the Inter-American Commission on Human Rights in the area of terrorism and human rights. It recommends that officials responsible for the development of anti-terrorism legislation continue to meet and exchange best practices and national experiences between them on this issue.
6. To recommend that Hemispheric Information Exchange Network for Mutual Legal Assistance in Criminal Matters include information on legislation, as appropriate, and anti-terrorist policies in force in the Member States.
7. To recommend that, in order to help in the prevention of acts of terrorism, measures must be taken to avoid discrimination against members of society.

II. MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS AND EXTRADITION

A. MEETING OF CENTRAL AUTHORITIES AND OTHER EXPERTS ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

REMJA-V recommends as follows:

1. To express its satisfaction at the Meeting of Central Authorities and Other Experts in Mutual Legal Assistance in Criminal Matters, held pursuant to the recommendations of REMJA-IV in Ottawa, Canada, from April 30 to May 2 2003, and to adopt in their entirety its recommendations, published in document OEA/Ser.K/XXXIV.5 REMJA-V/doc.4/.

2. To support, in accordance with recommendation 6 of that meeting, the continued holding of meetings of the Central Authorities and other Experts on mutual legal assistance in criminal matters in the Hemisphere at least once between REMJAs, with the support and coordination of the Working Group on Mutual Legal Assistance, as well as consideration, at their next meeting, of both progress made in implementing the recommendation of the Ottawa meeting and, *inter alia*, the topics referred to in the aforementioned recommendation 6, according to an order of priorities that they define.
3. To decide that the next Meeting of Central Authorities and Other Experts start considering actions to build up hemispheric legal cooperation in the matter of extradition, including temporary extradition when appropriate in keeping with national legislation and to proceed with organizing the sections on mutual legal and judicial cooperation of a hemispheric plan of action to fight against transnational organized crime and terrorism, including measures of administration of cases by the requesting State so as not to overburden the requested State.
4. To decide that the next Meeting of Central Authorities and Other Experts shall continue building up and rendering more effective the mechanisms of mutual legal assistance in criminal matters, and hemispheric cooperation in the matter of extradition. To this end, the Meeting of Central Authorities and Other Experts will be able to request input from the following bodies regarding the areas of their competence: CICTE, CICAD, Consultative Committee of CIFTA, CIM, MESICIC, Inter-American Children's Institute, and the Inter-American Juridical Committee.

B. HEMISPHERIC INFORMATION EXCHANGE NETWORK FOR MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

In view of the usefulness and importance of the *Hemispheric Information Exchange Network for Mutual Legal Assistance in Criminal Matters*, REMJA-V recommends as follows:

1. To decide to adopt the Hemispheric Information Exchange Network for Mutual Legal Assistance in Criminal Matters and urge all Member States to implement its public component and disseminate among the most interested users.
2. That, since the network, under the leadership of a group consisting of Argentina, Bahamas (The), Canada, and El Salvador, and administered by the OAS General Secretariat, comprises data on all OAS Member States, information related to mutual legal assistance in criminal matters and extradition should continue to be posted on the public website.
3. That States that have not yet done so identify a contact person to provide and update the information made available via the network.
4. To express satisfaction towards the development of the MLA secure e-mail pilot project and recommends that all States take the appropriate measures to evaluate it and that it continue to operate and be expanded to cover other States.
5. To examine the possibility of exchanging information, in mutually interesting areas and methodologies, with the Virtual Prosecution Office of Latin America.

III. PENITENTIARY AND PRISON POLICIES

Given the importance and advisability of continuing and reinforcing the exchange of information and experiences as well as mutual cooperation with regard to penitentiary and prison policies, REMJA-V recommends as follows:

1. To express its satisfaction with the results and adopt the report of the First Meeting of the Group of Officials Responsible for the Penitentiary and Prison Policies of the OAS Member States (document OEA/Ser.K/XXXIV.5 REMJA-V/doc.6/04), held at OAS headquarters on October 16 and 17, 2003, in keeping with a REMJA-IV decision.
2. To support periodic meetings of officials responsible for the penitentiary and prison policies of the OAS member states and the establishment of an Internet information system on such policies, as recommended at the first meeting of the officials.
3. That the States, through their participation in the meetings of penitentiary and prison authorities, promote penitentiary strategies and policies, based on respect for human rights, and that contribute to reducing overcrowding in prisons. To this end, the States will promote modernization of prison infrastructure and extend the functions of rehabilitation and social integration of the individual, by improving conditions of detention and studying new penitentiary standards.

IV. CYBER-CRIME

Under this topic, REMJA-V recommends as follows:

1. To express its satisfaction with the results of the Initial Meeting of the Group of Governmental Experts on Cyber-Crime, held at OAS headquarters on June 23 and 24, 2003, in keeping with a REMJA-IV decision.
2. To adopt the recommendations of the Group of Governmental Experts (document OEA/Ser.K/XXXIV.5 REMJA-V/doc.5/04) and to ask it, through its Chair, to report to the next meeting of REMJA on the progress made regarding said recommendations.
3. To support consideration of the recommendations made by the Group of Governmental Experts at its initial meeting as the REMJA contribution to the development of the Inter-American Strategy to Combat Threats to Cybersecurity, referred to in OAS General Assembly resolution AG/RES. 1939 /XXXIII-O/03), and to ask the Group, through its Chair, to continue to support the preparation of the Strategy.
4. That international training on cybercrime be provided to the States of the OAS that request it and that the States of the OAS in general consider the possibility of allocating resources to guarantee delivery of this training.
5. That the Member States participate in the technical meetings of the Group of Governmental Experts on Cyber-Crime so that future challenges can clearly be understood throughout the hemisphere.
6. That Member States, in the context of the expert group, review mechanisms to facilitate broad and efficient cooperation among themselves to combat cybercrime and study, when possible, the development of technical and legal capacity to join the 24/7 network established by the G8 to assist in cybercrime investigations.

7. To the extent possible, Member States ensure that differences in the definition of offenses do not impede the efficiency of cooperation through mutual legal and judicial assistance and extradition.
8. That Member States evaluate the advisability of implementing the principles of the Council of Europe Convention on Cybercrime (2001); and consider the possibility of acceding to that convention.
9. That Member states review and, if appropriate, update the structure and work of domestic bodies, or agencies in charge of enforcing the laws so as to adapt to the shifting nature of cybercrime, including by reviewing the relationship between agencies that combat cybercrime and those that provide traditional police or mutual legal assistance.

V. CORRUPTION: FOLLOW-UP ON THE COMMITMENTS UNDERTAKEN IN THE DECLARATION OF NUEVO LEÓN

The Declarations of Nuevo Leon and Quebec City, as well as previous REMJA, recognize the severity of the problem of corruption in our societies.

We note with approval that, since REMJA-IV, most Member States have signed the United Nations Convention Against Corruption and a number of additional Member States have become Party to the Inter-American Convention Against Corruption, but we today undertake to strengthen our efforts to effectively pursue corruption.

Accordingly, REMJA-V recommends that Member States:

1. That have not yet done so take measures as soon as possible that are necessary to reach the following objectives:
 - a. Sign and ratify, ratify, or accede to, as appropriate, and implement the 2003 United Nations Convention Against Corruption.
 - b. Sign and ratify, ratify, or accede to, as appropriate, and implement the 1996 Inter-American Convention Against Corruption.
2. Cooperate to strengthen the Follow-up Mechanism for the Implementation of the Inter-American Convention Against Corruption, through practical measures to enhance its effectiveness, including to increase economic resources and develop human resources and speed up the evaluation process of the First Round.
3. Prior to REMJA-VI, each Member State, in conformity with its national laws and applicable international regulations, shall adopt domestic legal measures that deny safe haven to corrupt officials, to those who corrupt them, and their assets and shall exchange information on the measures they have adopted.
4. In conformity with national legislation and any international juridical instruments that are applicable, review their legal regimes to extradite and provide mutual legal assistance with respect to corruption offenses, including their abilities to provide for confiscation of assets proceeding from criminal activities on behalf of other countries that may have different modalities for obtaining confiscation, with a view to enhancing them.

5. Adopt such legislative and other measures, in accordance with fundamental principles of its domestic law, as may be necessary to enable its competent authorities to return confiscated property to the requesting State, in the case of embezzlement of public funds or of laundering of embezzled public funds.
6. We shall support the work of the meeting of the States Parties to the Inter-American Convention against Corruption that will be held in Managua, Nicaragua in July 2004, which should consider “additional concrete measures to increase transparency and combat corruption.”

VI. TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN

Bearing in mind that the trafficking in persons is an offense against human dignity, which should be criminalized, prevented, and combated and whose victims are in a situation of vulnerability, which requires greater international attention and due assistance and protection to safeguard their human rights and for which, to reach these goals, integral cooperation of all the States is required.

Recognizing that there are many international instruments guaranteeing the protection of women, boys, girls and adolescents, such as the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, ILO Convention 182 concerning the Worst Forms of Child Labor, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, the Inter-American Convention on International Traffic in Minors, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

Bearing in mind that the Protocol to Prevent, Suppress and Punish the Trafficking in Persons, Especially Women and Children, complementary to the United Nations Convention against Transnational Organized Crime, specifies the actions that qualify trafficking in persons as a crime.

Determined to overcome obstacles in the fight against this transnational crime.

REMJA-V recommends the following:

1. That Member States that have not yet done so sign and ratify, ratify, or accede to, as appropriate, and implement the following as quickly as possible, the Protocol to Prevent, Suppress and Punish the Trafficking in Persons, Especially Women and Children, that complements the United Nations Convention against Transnational Organized Crime.
2. Encourage Member States to complete their internal processes for determining whether to sign and ratify:
 - a. The Protocol against the Illicit Trafficking in Migrants by Land, Sea and Air
 - b. The Inter-American Convention on International Traffic in Minors.
3. The holding of a meeting of national authorities in this matter, including the participation, *inter alia*, of the CIM, the IIN, the United Nations, the OIM, and other related international organizations for the purpose of studying integral cooperation mechanisms among the States to ensure protection of and assistance to the victims, the prevention of the crime, and the prosecution of its perpetrators. Likewise, the meeting will facilitate the exchange of information and experiences, political dialogue and cooperation between the countries of

origin, transit and destination of the trafficking in persons, as well as the establishment or improvement of statistics records in this area.

4. To keep the topic of the Trafficking in Persons as an item on the agenda in future debates of REMJA.

VII. VIOLENCE AGAINST WOMEN

REMJA-V:

1. Urges Member States to complete their internal processes for determining whether to sign and ratify the Inter-American Convention on the Prevention, Punishment and Eradication Violence against Women (Convention of Belén do Pará).
2. Encourages the States Parties to the Inter-American Convention on the Prevention, Punishment and Eradication Violence against Women (Convention of Belén do Pará) to study the most appropriate manner establish the Convention's Follow-up Mechanism.

VIII. GENDER AND JUSTICE

REMJA-V, after having heard the presentation by the Inter-American Commission of Women (CIM), took note of the recommendations on gender and justice formulated to the REMJA-V by the Second Meeting of Women Ministers or Ministers or Top Authorities Responsible for Women's Policies in the Member States and refers them to the Member States for greater consideration.

IX. JUSTICE STUDIES CENTER OF THE AMERICAS (JSCA)

Pursuant to the mandates of the Second and Third Summits of the Americas, OAS resolution AG/RES.1 (XXVI-E/99), and the conclusions and recommendations of REMJA II and III, which led to the establishment of a Studies Center to contribute to improving the policies and institutional capacity of the region's justice systems.

And having heard the report of the Justice Studies Center of the Americas, REMJA-V decides:

1. To express its appreciation to the Board of Directors and the Executive Director for the leadership and initiative they have shown in guiding and developing the Center's initial work plans in the criminal justice area and giving concrete form to the vision of a regional center of justice sector expertise set forth by the Heads of State and Government in Santiago of Chile.
2. To congratulate the Center on the successful launch of websites and publications that are being widely consulted in the region, as well as on the drafting of an important comparative study of criminal procedure norms and practices in the region that should help improve justice system performance.
3. To express satisfaction at the efforts made to ensure participation by Member States in Center programs and activities, notwithstanding the diversity of interests and institutions involved and the limitations of funding.

4. To request that the Center, consistent with the objectives set forth in its Statute, include in its working plans the conclusions and recommendations of REMJA, toward which end the Member States shall provide the necessary resources.
5. To request the Center to organize a working group or process, including both the Member States and other donors, to develop for consideration by REMJA-VI a plan for funding the Center consistent with the mandate of the Third Summit of the Americas. This process shall be without detriment to the voluntary contributions that for this purpose the Member States should make, in accordance with the provisions of the Center's Statute, approved by the General Assembly of the Organization of American States.
6. To approve renewal of the Executive Director's term of office as agreed by the Board of Directors of the Center, in accordance with its Statute, in a regular session held on January 5, 2004 in Santiago de Chile.
7. To request the Center to continue supporting national efforts to strengthen domestic systems, with a view toward improving the national frameworks for cooperation and mutual legal assistance.

X. NEXT MEETING

REMJA-V recommends that the Sixth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA-VI) take place in 2006 and that the OAS General Assembly charge the Permanent Council of the OAS to set a date and site for REMJA-VI.

FIFTH MEETING OF MINISTERS OF JUSTICE
OR OF MINISTERS OF ATTORNEYS GENERAL
OF THE AMERICAS
April 28 to 30, 2004
Washington, D.C.

OEA/Ser.K/XXXIV.5
REMJA-V/RES.1/04
30 April 2004
Original: Spanish

REMJA-V/RES.1/04

RECOGNITION TO THE SECRETARY GENERAL OF THE OAS

(Approved in its Fifth plenary session
held on April 30, 2004)

THE FIFTH MEETING OF MINISTERS OF JUSTICE OR OF MINISTERS OR ATTORNEYS
GENERAL OF THE AMERICAS,

EMPHASIZING that the Secretary General of the Organization of American States (OAS), Mr. César Gaviria Trujillo, by virtue of the powers granted to him by the Charter of this Organization, proposed and presided over, with effort, dedication, and care, the holding of the Meetings of Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA);

BEARING IN MIND that the General Assembly by means of Resolution AG/RES 1482 (XXVII-O/97), when highlighting the importance of this initiative, convened the First “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”; and

RECALLING that these ministerial meetings have been esteemed and endorsed by the Heads of State and Government on occasion of the Summits of the Americas,

RESOLVES:

1. To extend its gratitude to Mr. César Gaviria Trujillo, Secretary General of the Organization of American States, for his valuable and important initiative of institutionalizing, in the framework of this Organization, the Meetings of the Ministers of Justice or of Ministers or Attorneys Generals of the Americas (REMJA.).

2. To request the President of the Fifth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas to kindly transmit the present resolution to the Secretary General of the OAS.

FIFTH MEETING OF MINISTERS OF JUSTICE
OR OF MINISTERS OR ATTORNEYS GENERAL
OF THE AMERICAS
April 28-30, 2004
Washington, D.C.

OEA/Ser.K/XXXIV.5
REMJA-V/RES.2/04
30 April 2004
Original: Spanish

REMJA-V/RES.2/04

CONGRATULATIONS TO THE PRESIDENT AND VICE-PRESIDENTS OF THE FIFTH
MEETING OF MINISTERS OF JUSTICE OR OF MINISTERS OR ATTORNEYS GENERAL
OF THE AMERICAS

(Adopted at the Fifth Plenary Session, held on April 30, 2004)

THE FIFTH MEETING OF MINISTERS OF JUSTICE OR OF MINISTERS OR ATTORNEYS
GENERAL OF THE AMERICAS,

RECOGNIZING the excellent way in which the President of the Fifth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, The Honorable Rafael Macedo de la Concha, Attorney General of the Republic of Mexico, as well as its Vice-Presidents, The Honorable Irwin Cotler, Minister and Attorney General of Canada; The Honorable Patricia Vega Herrera, Minister of Justice of Costa Rica; and The Honorable Alfred Sears, Attorney General and Minister of Education of The Bahamas, have presided over the proceedings of this Meeting,

RESOLVES:

To congratulate the President and Vice-Presidents of the Fifth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas for their efficiency and skill in presiding over the proceedings of the Meeting.

QUINTA REUNIÓN DE MINISTROS DE JUSTICIA
O DE MINISTROS O PROCURADORES GENERALES
DE LAS AMÉRICAS
28 al 30 de abril de 2004
Washington, D.C.

OEA/Ser.K/XXXIV.5
REMJA-V/doc.1/04 rev.1
30 abril 2004
Original: Textual

LISTA DE DOCUMENTOS REGISTRADOS POR LA SECRETARÍA
HASTA EL 30 DE ABRIL DE 2004

Clasificación y No de trabajo OEA/Ser.K/XXXIV.5	Título^{5/}	Idioma^{6/}
REMJA-V/doc.		
REMJA-V/doc.1/04 MJ00249T01	Lista de documentos registrados por la Secretaría al 30 de abril de 2004	Textual
REMJA-V/doc.2/04 MJ00250S01	Proyecto de Temario (Adoptado por el Consejo Permanente en su sesión celebrada el 7 de abril de 2004)	E I F P
REMJA-V/doc.2/04 rev.1 MJ00275S01	Temario (Aprobado en la Primera sesión plenaria celebrada el 28 de abril de 2004)	E I F P
REMJA-V/doc.3/04 MJ00251S01	Proyecto de Calendario (Aprobado por el Consejo Permanente en su sesión celebrada el 7 de abril de 2004)	E I F P
REMJA-V/doc.3/04 rev.1 MJ00276S01	Calendario	E I F P
REMJA-V/doc.4/04 MJ00252S01	Recomendaciones de la Reunión de Autoridades Centrales y Otros Expertos en Materia de Asistencia Judicial Mutua	E I F P
REMJA-V/doc.5/04 MJ00253S01	Recomendaciones de la Tercera Reunión de Grupo de Expertos Gubernamentales en Materia de Delito Cibernético	E I F P
REMJA-V/doc.6/04 MJ00254S01	Recomendaciones de la Primera Reunión de Autoridades responsables de las Políticas Penitenciarias y Carcelarias de los Estados Miembros de la OEA	E I F P
REMJA-V/doc.7/04 MJ00255S01	Proyecto de conclusiones y recomendaciones de la REMJA-V	E I

^{5/} Título registrado en el idioma original

^{6/} E= español, I= inglés, F =francés, P= portugués

REMJA-V/doc.7/04 add.1 MJ00257S01	Propuesta presentada por la República Argentina al Proyecto de Conclusiones y Recomendaciones de la REMJA-V	E I F P
REMJA-V/doc.7/04 add.2 MJ00261S01	Propuesta presentada por la República de Colombia al Proyecto de Conclusiones y Recomendaciones de la REMJA-V	E I F P
REMJA-V/doc.7/04 add.3 MJ00262S01	Comentarios de los Estados Unidos sobre el Proyecto de Conclusiones y Recomendaciones	E I F P
REMJA-V/doc.7/04 add.4 MJ00263S01	Propuesta presentada por la Delegación de México en relación con el Proyecto de Conclusiones y Recomendaciones de la REMJA-V	E I F P
REMJA-V/doc.7/04 rev.1 MJ00265S01	Proyecto de conclusiones y recomendaciones de la REMJA-V	E I F P
REMJA-V/doc.7/04 rev.2 MJ00266S01	Proyecto de conclusiones y recomendaciones de la REMJA-V	E I F P
REMJA-V/doc.7/04 rev.3 MJ00274S01	Proyecto de conclusiones y recomendaciones de la REMJA-V	E I F P
REMJA-V/doc.7/04 rev.4 MJ00279S01	Proyecto de conclusiones y recomendaciones de la REMJA-V	E I F P
REMJA-V/doc.8/04 MJ00269T01	Lista de participantes (versión provisional) / List of participants (provisional versión)	Textual
REMJA-V/doc.8/04 rev.1 MJ00273T01	Lista de participantes / List of participants	Textual
REMJA-V/doc.9/04 MJ00280S01	Informe Final	E I F P
REMJA-V/INF		
REMJA-V/INF.1/04 MJ00256S01	Aviso de Reunión Informal Preparatoria acerca de las conclusiones y recomendaciones de la REMJA-V, jueves 22 de abril de 2004.	E I
REMJA-V/INF.2/04 MJ00258S01	Cumbre Extraordinaria de las Américas “Declaración de Nuevo León”.	E I F P
REMJA-V/INF.3/04 MJ00259S01	Declaración sobre Seguridad en las Américas	E I F P
REMJA-V/INF.4/04 MJ00260S01	Estatuto del Centro de Justicia de las Américas	E I F P
REMJA-V/INF.5/04 MJ00264T01	“Importancia y desarrollos de la convención Interamericana contra la Fabricación, y el Tráfico Ilícitos de Armas de	Textual

	Fuego, Municiones, Explosivos y Otros Materiales Relacionados (CIFTA)”; Intervención del Embajador Horacio Serpa Uribe, Representante Permanente de Colombia ante la Organización de los Estados Americanos OEA y Secretario Pro Tempore del Comité Consultivo de la CIFTA.	
REMJA-V/INF.6/04 MJ00281T01	Palabras del Secretario General de la OEA, César Gaviria	Textual
REMJA-V/INF.7/04 MJ00282T01	Address of the Chairman of CICAD, Paul Kennedy to REMJA	Textual
REMJA-V/INF.8/04 MJ00283T01	Intervention by Ambassador Luigi R. Einaudi, Assistant Secretary General, General Secretariat of the Organization of American States.	Textual
REMJA-V/INF.9/04 MJ00284T01	La Trata de personas, especialmente Mujeres y niños. Presentación de la Delegación de Colombia	Textual
REMJA-V/INF.10/04 MJ00285T01	Intervención de la Dra. María Auxiliadora Belisario M., Viceministra de Seguridad Jurídica (E), República Bolivariana de Venezuela.	Textual
REMJA-V/INF.11/04 MJ00286T01	Address by the Honourable Irwin Cotler, Minister of Justice and Attorney-General of Canada	Textual
REMJA-V/INF.12/04 MJ00287T01	Exposé du Chef de Délégation de la République D’Haiti, M. Bernard H. Gousse Ministre de la Justice	Textual
REMJA-V/INF.13/04 MJ00288T01	Presentación de la Delegación de Brasil	Textual
REMJA-V/INF.14/04 MJ00290T01	Intervención del Señor Ministro de Justicia de Perú, Doctor Baldo Kresalja Roselló	Textual
REMJA-V/RES		
REMJA-V/RES.1/04 MJ00277S01	Reconocimiento al Secretario General de la OEA, (Aprobada en la Quinta sesión plenaria celebrada el 30 de abril de 2004).	E I F P
REMJA-V/RES.2/04 MJ00278S01	Felicitaciones a la Presidencia y Vicepresidencias de la Quinta Reunión de Ministros de Justicia o de Ministros o Procuradores Generales de las Américas, (Aprobada en la Quinta sesión plenaria celebrada el 30 de abril de 2004).	E I F P