

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

December 1 to 3, 1997
Buenos Aires, Argentina

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FINAL REPORT

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EXPLANATORY NOTE

The General Secretariat of the Organization of American States, with the consent of the Chair of the Meeting, Dr. Raúl E. Granillo Ocampo, Minister of Justice of Argentina, has prepared this Final Report on the Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas.

The General Secretariat is publishing this report in the four official languages of the Organization. It contains the conclusions and recommendations to be transmitted to the Permanent Council of the OAS, in accordance with the provisions of resolution CP/RES.709 (1141/97), adopted by this organ at its October 28, 1997 meeting.

A list of the documents from the general presentations made by the delegations is found in the appendix to this publication.

December 3, 1997

FINAL REPORT

I. BACKGROUND

The General Assembly of the Organization of American States, through the Declaration of Panama on the Inter-American Contribution to the Development and Codification of International Law, adopted by the General Assembly at its twenty-seventh regular session [AG/DEC. 12 (XXVI-O/96)], in operative paragraphs 12 and 13, declared "its intent that the Organization of American States, through courses, seminars, studies, and publications on international law and judicial cooperation, continue to perform an important task in providing training and information to jurists, diplomats, scholars, and officials across the region," as well as "its interest in promoting the broadest possible awareness of the inter-American legal system."

As proposed by César Gaviria Trujillo, Secretary General of the Organization of American States, the Permanent Council, through its Committee on Juridical and Political Affairs, in April 1997 began considering the holding of a meeting of ministers of justice, within the framework of the OAS.

As a result, the General Assembly, at its twenty-seventh regular session, held in Lima, Peru, adopted resolution AG/RES. 1482 (XXVII-O/97), which called for preparatory work to begin on that meeting.

It also requested that the Permanent Council submit a report on the fulfillment of that resolution to the General Assembly at its twenty-eighth regular session.

In accordance with that mandate, the Permanent Council of the Organization of American States, bearing in mind the Permanent Mission of Argentina's offer to host the Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas and the guidelines for that meeting's agenda, adopted resolution CP/RES. 709 (1141/97), which scheduled the meeting for December 1, 2, and 3, 1997, and also adopted the following agenda:

1. "Rule of Law. New institutions and developments":
 - a. Experiences at the national level
 - b. Experiences at the regional and subregional levels
2. "Modernization and strengthening of the justice system. Reform, new trends, and the use of mechanisms such as arbitration, mediation, and conciliation"
3. "Combatting 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"

II. PROCEEDINGS

1. Opening Session

At 10:20 a.m. on December 1, 1997, the Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas opened at the headquarters of the City Bank of Buenos Aires. Speeches were delivered by Ambassador Flavio Darío Espinal, Permanent Representative of the Dominican Republic to the OAS and Chair of the Permanent Council Committee on Juridical and Political Affairs; César Gaviria Trujillo, Secretary General of the Organization of American States; and the Minister of Justice of Argentina, Dr. Raúl E. Granillo Ocampo, who also opened the meeting. Also present was Ambassador Daniel Castruccio, Assistant Secretary of International Relations and Coordination of the Ministry of Foreign Affairs, International Trade, and Worship.

2. First working session

Ambassador Flavio Darío Espinal, acting as Temporary Chair of the Meeting, opened the first working session. On that occasion, the following officers were elected by acclamation:

1. Chair

Dr. Raúl Granillo Ocampo
Minister of Justice of the Argentine Republic
Head of Delegation - Argentina

2. First Vice Chair

Dr. Rubén Antonio Mejía Peña
Minister of Justice of El Salvador
Head of Delegation - El Salvador

3. Second Vice Chair

Madam Thea Herman
Senior Assistant Deputy Minister, Policy Sector
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Head of Delegation - Canada

Subsequently, general presentations were made by the heads of delegation of Chile, Ecuador, Mexico, Trinidad and Tobago, Canada, Brazil, Nicaragua, Colombia, and the United States.

3. Second working session

At 3:00 p.m. on December 1, 1997, the Chair of the meeting opened the second working session to begin consideration of item 1 on the agenda: "Rule of Law. New institutions and developments":

- a. Experiences at the national level
- b. Experiences at the regional and subregional levels

The heads of delegation of Colombia, Argentina, Bolivia, Haiti, Chile, Uruguay, Trinidad and Tobago, Canada, Peru, the Dominican Republic, El Salvador, Ecuador, Mexico, and Nicaragua spoke on this subject.

4. Third working session

The third working session was held at 9:30 a.m. on December 2, 1997 to consider item 4 on the agenda, "Combatting corruption, organized crime, and other criminal activities":

- a. Experience at the national level
- b. Initiatives to strengthen legal/judicial cooperation

The delegations of Peru, Mexico, Colombia, Venezuela, the Dominican Republic, Argentina, Haiti, Canada, and Trinidad and Tobago spoke on this matter.

5. Fourth working session

- a. Continuation of consideration of item 4 on the agenda

The fourth working session was held at 3:00 p.m. on December 2, 1997, to continue consideration of item 4 on the agenda: "Combatting corruption, organized crime, and other criminal activities."

On that occasion, the reports from the heads of delegation of Chile, Peru, Nicaragua, Panama, Ecuador, and Bolivia were heard.

- b. Consideration of item 3 on the agenda

Consideration commenced of item 3 on the agenda: "Analysis of the application of judicial and juridical cooperation agreements in the Americas."

The Representative of the General Secretariat, Dr. Enrique Lagos, Assistant Secretary for Legal Affairs, submitted a report on the contents of the base document entitled "Juridical and Judicial Cooperation in the Americas" (REMJA/doc.5/97).

The delegations of Peru, Ecuador, the United States, Argentina, Mexico, the Dominican

Republic, Chile, and Uruguay thanked the Assistant Secretary for Legal Affairs of the General Secretariat for submitting the above-mentioned document and for its outstanding value and usefulness in analyzing the subject, and they made observations on the matter.

c. Consideration of item 5 on the agenda

After concluding the consideration of item 3 on the agenda, discussion began on item 5: "Correctional institution policy and reform processes. Strengthening of initiatives to rehabilitate prisoner/convicts and reintegrate them into society."

The delegations of Peru, Argentina, Chile, and Venezuela commented on this item.

After considering all of the items on the agenda of the Meeting of Ministers of Justice of the Americas, the Chair of the meeting decided to form a drafting group, open to all delegations, to prepare the conclusions and recommendations deemed pertinent.

6. Drafting Group

At 9:30 a.m. on December 3, 1997, the drafting group met to prepare the conclusions and recommendations emanating from the consideration of the meeting agenda.

To that end, the drafting group based its work on proposed conclusions and recommendations prepared by the General Secretariat.

7. Fifth Working Session

At 11:00 a.m. on December 3, 1997, the Chair opened the fifth working session to consider the issues on the order of business, document REMJA/doc.28/97.

1. General matters
2. Consideration of the conclusions and recommendations

1. General Matters

a. Offer to host the Second Meeting of Ministers of Justice of the Americas

The Government of the Republic of Peru offered to host the Second Meeting of Ministers of Justice of the Americas, to be held in the second half of 1998.

The Meeting accepted that offer, expressed its appreciation to the Government of the Republic of Peru, and agreed that the agenda for that meeting, which will focus on priority issues, will be prepared within the framework of the OAS.

b. Meeting of government experts

The Meeting accepted the offer of the Government of Chile to host the meeting of government experts, with a view to including key justice issues in the Summit of the Americas, to be held in April 1998, and expressed its appreciation for that offer.

2. Consideration of the Conclusions and Recommendations

The delegate of Argentina submitted the document prepared by the Drafting Group on the conclusions and recommendations agreed on during the meeting.

Following a few observations made by the delegations on both style and content, the meeting decided to adopt the text, which appears in the following chapter of this report.

III. CONCLUSIONS AND RECOMMENDATIONS

At the conclusion of their discussions on the various topics of their agenda, the First Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas arrived at the following conclusions and 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 standards 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 inheritance 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

In light of the foregoing considerations, and with a view to pursuing the process initiated at this meeting, we make the following 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 public attorneys, 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, systems management, social costs and benefits, economic and statistical studies.
3. To encourage the incorporation of alternative dispute settlement procedures into national justice 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 serve as host for 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 issuing from this First Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas.

IV. CLOSING SESSION

On December 3, 1997 at 4:00 p.m., Dr. Raúl E. Granillo Ocampo, Minister of Justice of Argentina, after thanking the delegations, observers, and special guests for attending the meeting, as well as the General Secretariat of the OAS for its collaboration, closed the Meeting of the Ministers of Justice or of Ministers or Attorneys General of the Americas.

Subsequently, Ambassador Flavio Darío Espinal, Chair of the Permanent Council Committee on Juridical and Political Affairs and Permanent Representative of the Dominican Republic to the OAS, on behalf of all the delegations present, including his own, thanked Minister Raúl E. Granillo Ocampo, Chair of the Meeting, for the cordiality and hospitality of Buenos Aires, Argentina and for his excellent work in conducting the proceedings of this meeting.

V. REFERENCE DOCUMENTS

Over the course of the working sessions of the Meeting of Ministers of Justice of the Americas, the Secretariat registered and distributed the following reference documents:

1. **Cooperación internacional** [International Cooperation] National Office for Alternative Means of Dispute Settlement. Secretariat of Technical and Legislative Affairs. Ministry

of Justice of Argentina, 1997.

2. **La República Argentina frente al Lavado de Dinero** [The Argentine Republic against Money Laundering]. Office of the President of Argentina. Secretariat of Programming to Prevent Drug Addiction and Combat Drug Trafficking (SEDRONA), 1997.
3. **Ley Federal contra la Delincuencia Organizada** [Federal Laws against Organized Crime] Attorney General's Office of Mexico, Mexico, 1997.
4. **La tecnología ha puesto a la ley en sus manos** [Technology Has Put the Law in Your Hands] Ministry of Justice, contains CD version, July 1997.
5. **La gran reforma de la justicia** [Great Justice Reform] Chile. Secretariat of Communication and Culture. Ministry - General Secretariat of Government, October 1997.
6. **Plan Director de la Política Penitenciara Nacional** [Plan Governing the National Correctional Policy] Ministry of Justice of Argentina. Secretariat of Correctional Policy and Social Rehabilitation. Published by the National Office of the Official Registry. Suipacha 767, Buenos Aires, Argentina.
7. **Comité Asesor Intersectorial para el estudio de la problemática HIV-SIDA en los establecimientos dependientes del Servicio Penitenciario Federal** [The Inter-sectoral Advisory Committee to Study the Issue of HIV-AIDS in Establishments under the Federal Penitentiary Service]. Ministry of Justice of Argentina - Secretariat of Correctional Policy and Social Rehabilitation, November 1997.
8. **Desarrollo y evaluación Abril 1995 - Marzo 1997** [Development and Evaluation, April 1995 - March 1997]. Ministry of Justice of Argentina, Secretariat of Correctional Policy and Social Rehabilitation, 1997.
9. **Ejecución de la Pena Privativa de la Libertad Ley 24660** [Implementation of the Penalty Involving Personal Restraint Law 24660]. Ministry of Justice of Argentina, Secretariat of Correctional Policy and Social Rehabilitation, 1996.
10. **Reglamento de Disciplina para los internos Decreto N° 18197** [Disciplinary Rules for Inmates, Decree No. 18197]. Ministry of Justice of Argentina. Secretariat of Correctional Policy and Social Rehabilitation, 1997.
11. **Reglamento de Comunicaciones de los Internos** [Rules Governing Inmate Communications]. Public Regulatory Bulletin Year 5 - N° 71, Buenos Aires, October 30, 1997.
12. **Programa Nacional de Construcciones Penitenciarias** [National Program for Building Correctional Institutions]. Implementation 1996, the Argentine Republic, Office of the President of Argentina, Ministry of Justice.

13. **Gira de Estudio, Tomo 5 en República Federal Alemana, Seminario Internacional para 17 juristas de América Latina.** [Study Tour, Volume V in the Federal Republic of Germany, International Seminar for 17 Latin American Jurists]. The Republic of Venezuela. Judgeship Council, February 1997.
14. **Gira de estudios, Tomo II** [Study Tour, Volume II]. In the Federal Republic of Germany, International Seminar for 17 Latin American Jurists, the Republic of Venezuela, Judgeship Council, February 1997.
15. **Política de Reforma Judicial de Venezuela** [Judicial Reform Policy of Venezuela]. Results of the Seminars - Workshop of Judges, June - July - September and November 1995, Caracas, June 1996.

APPENDIX A

REUNIÓN DE MINISTROS DE JUSTICIA O DE MINISTROS
O PROCURADORES GENERALES DE LAS AMÉRICAS
1 al 3 de diciembre de 1997
Buenos Aires, Argentina

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3 diciembre 1997
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APPENDIX B

REUNIÓN DE MINISTROS DE JUSTICIA O DE MINISTROS
O PROCURADORES GENERALES DE LAS AMÉRICAS
1 al 3 de diciembre 1997
Buenos Aires, Argentina

OEA/Ser.K/XXXIV.2
REMJA/doc.1/97
3 diciembre 1997
Original: Textual

LISTA DE DOCUMENTOS REGISTRADO POR LA SECRETARÍA
HASTA EL 3 DE DICIEMBRE DE 1997

<u>No. del documento</u>	<u>Título</u> ^{1/}	<u>Idiomas</u> ^{2/}
REMJA/doc.1/97	Lista de documentos registrados por la Secretaría hasta el 10 de noviembre de 1997	Textual
REMJA/doc.2/97	AG/RES. 1482 (XXVII-0/97) Reunión de Ministros de Justicia (Resolución aprobada por la Asamblea General en su vigésimo séptimo período ordinario de sesiones celebrado en Lima, Perú)	E I F P
REMJA/doc.3/97	Temario de la Reunión de Ministros de Justicia o de Ministros o Procuradores Generales de las Américas	E I F P
REMJA/doc.4/97	Informe del Presidente de la Comisión de Asuntos Jurídicos y Políticos sobre la Reunión de Ministros de Justicia	E I F P
REMJA/doc.5/97	La Cooperación Jurídica y Judicial en las Américas (Documento presentado por la Secretaría General/Subsecretaría de Asuntos Jurídicos)	E I
REMJA/doc.6/97	La Cooperación Jurídica y Judicial en las Américas: Principales Lineamientos (Documento presentado por la Secretaría General/Subsecretaría de Asuntos Jurídicos)	E I F P
REMJA/doc.7/97	Agenda de la Reunión de Ministros de Justicia o de Ministros o Procuradores Generales de las Américas (Aprobado en la	E I

1. Título registrado en el idioma original.

2. E = español, I = inglés, F = francés, y P = portugués.

	primera sesión de trabajo celebrada el 1 de diciembre de 1997)	
REMJA/doc.8/97	Lista de Autoridades (Acordada en la primera sesión de trabajo celebrada el 1 de diciembre de 1997)	E I
REMJA/doc.9/97	Orden del día, martes 2 de diciembre de 1997	E I
REMJA/doc.10/97	Organización de los Trabajos	E I F P
REMJA/doc.11/97	Programa	E I F P
REMJA/doc.12/97	Intervención del Presidente de la Comisión de Asuntos Jurídicos y Políticos, Embajador Flavio Darío Espinal, en la Reunión de Ministros de Justicia o de Ministros o Procuradores General de las Américas (Presentada en la Sesión Inaugural celebrada el 1 de diciembre de 1997)	Textual
REMJA/doc.13/97	Intervención del Secretario General de la OEA, César Gaviria Trujillo, en la Reunión de Ministros de Justicia o de Ministros o Procuradores Generales de las Américas (Presentada en la sesión Inaugural celebrada el 1 de diciembre de 1997)	Textual
REMJA/doc.14/97	Estado de Derecho. Nuevas Instituciones y Desarrollos (Ponencia presentada por la Delegación Argentina en la segunda sesión de trabajo celebrada el 1 de diciembre de 1997)	Textual
REMJA/doc.15/97	Reforma a la Justicia, como base de la Democracia y del Desarrollo Económico (Ponencia presentantada por la Delegación de Chile en la segunda sesión de trabajo celebrada el 1 de diciembre de 1997)	Textual
REMJA/doc.16/97	Speech of the Head of the Canadian Delegation Mrs. Thea Herman, Senior Assistant Deputy Minister, Policy Sector, Department of Justice Canada (Submitted at the First Working Session held on December 1, 1997)	Textual
REMJA/doc.17/97	Modernización y Fortalecimiento de la Administración de Justicia. Proceso de Reforma, Nuevas Tendencias y usos de Mecanismos tales como: Arbitraje - Mediación -Conciliación (Ponencia presentada por la Delegación Argentina en la segunda sesión de trabajo celebrada el 1o. de diciembre de 1997)	Textual

REMJA/doc.18/97	Lista de Participantes (Provisional)	Textual
REMJA/doc.19/97	Palabras del Señor Presidente de la Nación doctor Carlos Menem, en el acto de anuncio de la puesta en plena vigencia de la Convención Interamericana contra la Corrupción (Presentado por la Delegación de Argentina en la tercera sesión de trabajo celebrada el 2 de diciembre de 1997)	Textual
REMJA/doc.20/97	La Lucha contra la Corrupción, el Crimen Organizado y otras Actividades Delictivas (Presentado por la Delegación Argentina en la Tercera Sesión de Trabajo celebrada el 2 de diciembre de 1997)	Textual
REMJA/doc.21/97	La Lucha contra la Corrupción en la República Dominicana (Presentado por la Delegación de la República Dominicana en la tercera sesión de trabajo celebrada el 2 de diciembre de 1997)	Textual
REMJA/doc.22/97	Metodología Pedagógica Socializadora. Una propuesta Argentina para la Renovación de la Metodología del Tratamiento Penitenciario (Presentado por la Delegación Argentina en la cuarta sesión de trabajo celebrada el 2 de diciembre de 1997)	Textual
REMJA/doc.23/97	La Lucha contra la Corrupción, el Crimen Organizado y otras Actividades Delictivas (Presentado por la Delegación de México en la tercera sesión de trabajo celebrada el 2 de diciembre de 1997)	Textual
REMJA/doc.24/97	Programa Nacional de la Lucha contra la Corrupción (Presentado por la Delegación de Bolivia en la cuarta sesión de trabajo celebrada el 2 de diciembre de 1997)	Textual
REMJA/doc.24/97a	República de Bolivia. Ministerio de Justicia y Derechos Humanos (Presentado por la Delegación de Bolivia en la cuarta sesión de trabajo celebrada el 2 de diciembre de 1997)	Textual
REMJA/doc.25/97	Análisis de la Aplicación de los Convenios o Acuerdos de Cooperación de Asistencia Jurídica y Judicial en el Ámbito Americano (Presentado por la Delegación Argentina en la cuarta sesión de trabajo celebrada el 2 de diciembre de 1997)	Textual
REMJA/doc.26/97	La Política Penitenciaria y los Procesos de Reforma. Afianzamiento de las Iniciativas Orientadas a la Readaptación y Reinserción Social del Detenido/Condenado (Presentado por	Textual

	la Delegación Argentina en la cuarta sesión de trabajo celebrada el 2 de diciembre de 1997)	
REMJA/doc.27/97	Carta de Intervención Bonaerense (Presentado por la Delegación de Venezuela en la cuarta sesión de trabajo celebrada el 2 de diciembre de 1997)	
REMJA/doc.28/97	Orden del día, miércoles 3 de diciembre de 1997	E I
REMJA/doc.29/97	Política Penitenciaria, los Procesos de Reforma y Afianzamiento de las Iniciativas Orientadas a la Resocialización del Interno (Presentado por la Delegación del Perú en la quinta sesión de trabajo celebrada el 3 de diciembre de 1997)	Textual
REMJA/doc.30/97	Ley 333 de 1996. Por la cual se establecen las normas de Extinción del Dominio sobre los Bienes adquiridos en forma ilícita (Presentado por la Delegación de Colombia en la quinta sesión de trabajo celebrada el 3 de diciembre de 1997)	
REMJA/doc.31/97	Judicial Cooperation (Submitted by the United States at the Fifth Working Session, held on December 3, 1997)	Textual
REMJA/doc.32/97	Conclusiones y Recomendaciones (Adoptadas en la quinta sesión de trabajo celebrada el 3 de diciembre de 1997)	E I F P
REMJA/doc.33/97	Informe Final	E I F P