

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

(Preliminary version)

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FINAL REPORT OF THE SECOND MEETING OF MINISTERS OF JUSTICE OR OF
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CHAPTER I

BACKGROUND

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

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

In that resolution, the General Assembly instructed the Permanent Council to hold the necessary consultations to prepare the agenda and to convene and organize the meeting, and requested that it report on the implementation of this 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 Argentina to host the Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, as well as the guidelines for that meeting's agenda, adopted resolution CP/RES. 709 (1141/97), in which it convened the meeting and approved the following agenda:

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

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

At the conclusion of its discussions of the various items on the 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

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, and 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.

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

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

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

- Develop mechanisms that permit easy and timely access to justice by all persons, with particular reference to persons with low income, by adopting measures to enhance the transparency, efficiency and effectiveness of the courts. In this context, they will promote, develop and integrate the use of alternative methods of conflict resolution in the justice system.
- Strengthen, as appropriate, systems of criminal justice founded on the independence of the judiciary and the effectiveness of public prosecutors and defense counsels, recognizing the special importance of the introduction of oral proceedings in those countries that consider it necessary to implement this reform.
- Step up efforts to combat organized crime, and transnational crime, and, if necessary, foster new laws and international conventions, as well as procedures and mechanisms for continuing to combat these scourges.
- Adapt legislation and proceed, as soon as possible, with necessary institutional reforms and measures to guarantee the comprehensive protection of the rights of children and youths to meet the obligations established under the United Nations Convention on the Right of the Child and other international instruments.
- Adopt as appropriate a clear distinction between procedures and consequences of violations of criminal law and measures established to protect children and youths

whose rights are threatened or violated, and will promote social and educational measures to rehabilitate young offenders.

- Foster the establishment and strengthening of specialized tribunals or courts for family matters, as appropriate, and in accordance with their respective legal systems.
- Expedite the establishment of a justice studies center of the Americas, which will facilitate training of justice sector personnel, the exchange of information and other forms of technical cooperation in the Hemisphere, in response to particular requirements of each country. To this end, they request the Ministers of Justice or other competent authorities to analyze and define the most suitable actions for the organization and establishment for such a center.
- Promote, in accordance with the legislation of each country, mutual legal and judicial assistance that is effective and responsive, particularly with respect to extraditions, requests for the delivery of documents and other evidentiary materials, and other bilateral or multilateral exchanges in this field, such as witness protection arrangements.
- Support the convening of periodic meetings of Ministers of Justice and Attorneys General of the Hemisphere within the framework of the Organization of American States (OAS).

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

III. General Assembly of the Organization of American States

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

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

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

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

CHAPTER II

CONVOCATION AND PREPARATIONS FOR THE SECOND MEETING OF MINISTERS OF JUSTICE OR OF MINISTERS OR ATTORNEYS GENERAL OF THE AMERICAS

I. Convocation

Bearing in mind the report of the Permanent Council and the final report of the Meeting of Ministers of Justice, held in Buenos Aires, Argentina, in resolution AG/RES. 1562 (XXVIII-O/98)^{1/} the General Assembly resolved to convene the Second Meeting of Ministers of Justice or Ministers or Attorneys General of the Americas.

II. Permanent Council

On August 19, 1998, after reviewing resolution AG/RES 1562 (XXVIII-O/98) “Second Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas”, the Permanent Council agreed to refer it for consideration by its Committee on Juridical and Political Affairs, which is chaired by Ambassador Mauricio Granillo Barrera, Permanent Representative of El Salvador to the OAS.

Subsequently, at its meeting on September 30, the Permanent Council had the honor to welcome His Excellency Dr. Alfredo Quispe Correa, Minister of Justice of Peru, who delivered an address entitled “Inter-American Cooperation for Strengthening Justice Systems”, which focused on topics related to the agenda for the Second Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas).

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

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

At its meeting on October 9, 1998, the Committee on Juridical and Political Affairs took note of the draft agenda, submitted by the Permanent Mission of Peru, for the Second Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas.^{2/}

As agreed, the Chair of the Committee referred the draft agenda for consultation by the governments of member states.

On November 18, 1998, the Committee continued reviewing the Draft Agenda for the Second 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 Affairs^{3/}, adopted the following agenda for the Second Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, at its meeting of December 11, 1998, by way of resolution CP/RES. 739 (1179/98):

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

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

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

3. Prison and penitentiary policy

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

4. Strengthening and developing inter-American cooperation

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

Conclusions and recommendations

CHAPTER III

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

1. Inaugural session

On March 1, 1999, at 9:00 a.m., the Second Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas opened in the Paracas room of the Swissôtel in Lima, Peru. Dr. César Gaviria Trujillo, Secretary General of the Organization of American States, spoke at the inaugural session, and, among other things, underlined, on the subject of access to justice, the need to make more extensive use of alternative ways to settle conflicts, such as arbitration. He emphasized the desirability of member states sharing their experiences in this field. He also signaled out as the most important challenge facing OAS member states, access, through signature and ratification, to inter-American juridical instruments on judicial cooperation.^{4/}

The President of the Republic of Peru, Alberto Fujimori, then took the floor and, in the course of his speech, pointed out that there can be no stable development of democracies until society knows that access to justice is assured, whereby justice also implies economic and social justice. He also pointed to the need for a whole culture of democracy to accompany that effort in a sustained manner while remaining impervious to manipulation by both public and private vested interests. With these words, as his speech drew to a close, President Fujimori formally opened the Second Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas.^{5/}

4. See text of the Secretary General's speech in Appendix 1, p.21

5. See text of the speech in Appendix II, p.29

II. First working session

Dr. Carlota Valenzuela de Puelles, Minister of Justice of Peru, opened the first working session, which then proceeded to elect the officers of the meeting. At the suggestion of Mr. Raúl Granillo Ocampo, Minister of Justice of Argentina, seconded by Mrs. Ana McLellan, Minister of Justice of Canada, the Minister of Justice of Peru was elected by acclamation to chair the Meeting. Dr. Valenzuela thanked the Meeting for electing her and took the opportunity to underscore some of the items on the agenda. She pointed out the need for precise and viable, medium and long-term proposals if progress is to be made in modernizing and enhancing the administration of justice in the Americas.

At the suggestion of the Minister of Justice of El Salvador, Mr. Rubén Antonio Mejía Peña, seconded by the Vice-Minister of Justice of Bolivia, Mr. Juan Antonio Chain Lupo, the Attorney General of Trinidad and Tobago, Mr. Ramesh Lawrence Maharaj was elected by acclamation as First Vice Chair.

Finally, at the suggestion of the Vice-Minister of Education and Culture of Uruguay, Mr. Antonio Guerra, seconded by Mr. Jean Auguste Brutus, Attorney General of Haití, Mrs. Mónica Nagel, Minister of Justice of Costa Rica, was elected by acclamation as Second Vice Chair.

Thus the officers elected for the Second Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas were:

1. Chair

Dr. Carlota Valenzuela de Puelles
Minister of Justice of Peru
Head of the Delegation of Peru

2. First Vice Chair

Dr. Ramesh Lawrence Maharaj
Attorney General of Trinidad and Tobago

3. Second Vice Chair

Dr. Mónica Nagel
Minister of Justice of Costa Rica

Subsequently general presentations were made by the heads of delegation.

III. Dialogue among Heads of Delegation

The Chair opened the dialogue on the 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.”**

The first to address the meeting was the head of the Argentine Delegation, who emphasized that society today demands effective provision of justice, something that deserved an analysis of the current situation in our countries. If the resulting diagnosis was wrong, he stressed, the measures to be applied will not be effective. After describing a number of recent reforms of the national legislation of Argentina, he maintained that the main problem facing most OAS member states was the mismatch between the justice system and current situation, adding that a modernization process was necessary that covered, *inter alia*, more efficient use of time and inclusion of alternative conflict settlement methods, such as mediation, in national administration-of-justice systems. He also mentioned the huge impact that lack of legal security had on the economic processes of the countries.

Next to take the floor was the head of the Brazilian delegation, who mentioned the need to give fresh impetus in the area of agreements on information sharing, making it possible to speed up judicial proceedings, thereby providing society with the means to uphold its rights in a simple, effective, and secure manner. After describing a number of aspects of the legal framework governing the justice system in his country, he mentioned the need to strengthen cooperation mechanisms among the countries of the hemisphere, not only to fight crime, but also to combat impunity.

The head of the Mexican delegation, in his address, maintained that justice is a central concern of our societies, that concern applying not only to criminal justice but also to other areas of the law. He drew the Meeting’s attention to organized transnational crime, which is not constrained by nationality, and which constitutes a major challenge for the countries of the Americas. The Mexican delegate further mentioned a number of initiatives underway to reform the justice system in his country, saying that the main asset of justice was human resources and that States should invest in them as part of their efforts to modernize and improve justice systems, while, at the same time, bearing in mind the situation in each of the countries. Finally, he said that technological resources should be utilized to the full and that Mexico was convinced that strengthening democracy goes hand in hand with development and modernization of justice systems.

The head of the United States delegation also addressed the Meeting. First she referred to computer or cyber crime and underscored the importance of tackling this issue. She said that information technology knows no boundaries and can be a threat to both the law and privacy. She recommended the formation of a working group to address and to disseminate information on the issue. She also drew attention to the issues of intellectual property, in respect of which she suggested the possibility of organizing regional courses; forfeiture of criminal assets in order to put them to a legitimate use that benefited society; and evaluation of forms relating to extradition processes in the countries of the hemisphere and to mutual assistance treaties in the framework of another working group. Finally, she referred to the creation of the Justice Studies Center for the Americas and her country’s hopes for that process.

Subsequently, the head of the Ecuadorian delegation took the floor and referred to criminal violence that transcends national borders without respecting the sovereignty of countries. He also made reference to a series of domestic legal provisions in his country on access to justice.

Next to speak was the head of the Honduran delegation, who also referred to the domestic situation and the concerns of his country as regards the administration of justice and crime. He referred to crime committed by minors, in particular, and to carrying out of sentences, in general.

The head of the Bolivian delegation spoke next and mentioned the need to provide citizens the democratic possibility of access to justice. He made special mention of those countries who shelter within their territory indigenous communities that claim recognition of their own social situation, which also entails recognizing their particular conflict settlement methods.

The Meeting was addressed next by the head of the Jamaican delegation, who outlined a series of domestic measures for modernizing the justice system in his country. He maintained, furthermore, that the strength of the OAS lay in its recognition of the plurality of the region's social systems and structures, as well as in its respect of the domestic laws of the member states. Pursuing this topic, he referred to the need for adherence to domestic law with full respect for the sovereignty of each country, and mentioned the difficulty the Caribbean countries had in fulfilling the deadlines and procedures governing the proceedings of the Inter-American Commission on Human Rights. Finally, he said that the independence of legal systems of the region's countries should be respected at all times as an indispensable requisite for their strengthening.

The head of the Chilean delegation took the floor next and spoke about the equal distribution of due process. He referred to the need to bring systems for the protection of rights out of the courts by strengthening the incorporation of alternative conflict settlement methods and described the practice followed in his country, making special reference to the new changes introduced to the legal framework governing procedure.

The head of the Nicaraguan delegation, for his part, referred to the various obstacles that his country faced in the process of improving and modernizing the justice system. He mentioned the need to find human resources to provide adequate defense for society in the courts, since it was not only necessary to have adequate laws, but also essential to have upright and well-trained judges.

IV. Second Working session

The second working session opened in the afternoon on March 1, 1999. The Meeting was addressed by a number of delegations that had not spoken during the Dialogue of the Heads of Delegation initiated in the morning. The Meeting was informed of the establishment of an informal working group, parallel to the plenary and open to all delegations, studying the proposals put forward regarding the Justice Studies Center for the Americas.

The first to speak was the Head of the Delegation of Saint Kitts and Nevis, who supported the creation of the Justice Studies Center for the Americas. He said that one of the areas that deserved particular attention was witness protection and safety, affirming that justice systems should not be allowed to fail because witnesses were afraid to appear in proceedings.

The head of the Costa Rican delegation also addressed the Meeting and referred to the reform of the justice system in his country, the purpose of which was to strengthen governance and

democracy. She also spoke of the need for the countries of the region to share experiences, particularly with respect to penitentiary systems, which had become a serious social problem. She supported the initiative to tackle issues like cyber crime and the problem of crime committed by minors in the countries of the Hemisphere.

Next to speak was the head of the delegation of Trinidad and Tobago, who referred to various aspects of bilateral cooperation undertaken with a number of countries on the question of money laundering and forfeiture of proceeds from drug trafficking, as an example of the importance of adopting cooperation measures with a view to strengthening justice systems in the region. He also underscored the importance of extradition mechanisms.

The floor was then taken by the head of the Canadian delegation, who stressed the importance of working in conjunction, especially in a framework of globalization, which could bring about a series of social injustices in the region. She referred to the problem of drugs, cyber crime, money laundering, and how bilateral and multilateral cooperation could be of increasing help in combating organized crime, not just as an option but also as an essential element in relations between countries.

Next the Meeting began consideration of item 1 on the agenda, “**Access to Justice,**” which also covers the subtopics of legal aid and defense services, initiatives for the legal protection of minors, and incorporation of alternative conflict settlement methods in national administration-of-justice systems.

As to legal aid and defense services, various delegates said, in relation to the existence of public defenders, especially for individuals with low incomes, that the main challenge was to have personnel who were suitably trained and sufficiently well paid, thus making the idea of engaging in such a noble task an attractive one. Nevertheless, it was acknowledged that the problem was still of an economic and budgetary nature. Several representatives spoke of experiences in their own countries, in particular emphasizing the creation of free legal surgeries and conciliation centers, with the participation and assistance of NGOs and parishes, for instance, in promoting conflict settlement by alternative methods. Mention was also made of courts presided over by justices of the peace, the central aim of which is to restore social peace by applying common law and going beyond positive law. Under that system emphasis was placed on direct election of justices of the peace. Mention was also made of the need, in some countries, to perform a survey of cases pending on courts’ dockets with a view to covering all aspects relating to effective access to justice.

With respect to initiatives for the legal protection of minors, emphasis was put on the fact that in many countries in the region most of the population are minors. The importance of having separate penitentiary institutions for juvenile and adult offenders was also underscored, the aim being to enabling the rehabilitation of minors who have committed crimes, and their subsequent reincorporation into society. There was also an exchange of ideas on various initiatives adopted in the countries of the region in relation to criminal justice for minors and the guarantees to which this sector of the population enjoys in situations of this type. In particular, there were discussions on setting up special courts for minors. Mention was also made of the importance of adopting and implementing in domestic legal frameworks the various international legal instruments that exist for

the protection of the rights of minors, with emphasis given to prevention as an essential instrument for accomplishing the objectives in this area.

With regard to incorporation of alternative conflict settlement methods in national administration-of-justice systems, some delegations underlined the importance of mediation as an initial alternative method, which, according to some of the experiences that were presented, brought an end to conflicts without the need to resort to judicial processes. There was insistence on the great advantage offered by arbitration, especially in civil and commercial matters, given the enormous caseloads of the courts in these areas. However, remarks were also made about the lingering inconvenience in many systems of the need for the judiciary to recognize arbitration judgements.

Generally speaking, on the question of criminal law, several delegates pointed out the importance of having in place laws for protecting victims, as well as advice centers for them. Some countries described examples of mechanisms implemented for providing State compensation to victims, irrespective of the compensation that a defendant might be ordered to pay for a given crime.

Finally, mention was made of the importance of civil education as a key element for any justice system reform in the region.

V. Third Working Session

The third working session began on the morning of March 2 with an announcement that an informal working group had been formed, parallel to the third working session of the Meeting and open to all delegations, studying proposals with respect to cyber crime. The meeting then initiated discussion of the second item on the agenda: “**Training of judges, prosecutors, and judicial officials**”. This topic covers experiences acquired in basic, advanced, and specialized training of judiciary personnel; mechanisms to promote judicial independence and the effectiveness of public prosecutors or attorneys general; and creation of a justice studies center for the Americas.

With respect to experiences acquired in basic, advanced, and specialized training of judiciary personnel, various delegations described measures taken in their countries and mentioned such aspects as decentralization in training for magistrates and the importance of international exchanges. It was stressed that training for those who administer justice has to keep pace with the emergence of new types of offenses and new mechanisms for cooperation. Delegates also pointed out that such ongoing technical training should be accompanied by training in ethical aspects that would emphasize the responsibility of judiciary personnel. They underlined the absolute necessity for training in ethical standards. Mention was made of the need to systematize the experience acquired in this area and it was suggested that the General Secretariat of the OAS be asked to continue promoting subregional workshops and seminars for training magistrates, focussing on both the legal aspects of civil law and customary law.

As regards the mechanisms to promote judicial independence and the effectiveness of public prosecutors or attorneys general, several delegations stressed the importance of this item and stated that the judiciary is one of the pillars of democracy. They described the mechanisms employed in their countries to ensure that independence and effectiveness. Reference was made to the need for judiciary personnel to be paid an adequate salary in order to avoid situations conducive to bribery.

Finally, with respect to the creation of a justice studies center for the Americas, several delegations said they were delighted with the idea, because it would facilitate the exchange of experience acquired in efforts to modernize and enhance judicial systems in the Americas. According to some delegations, specific tasks for such a center could include training for magistrates, dissemination of the results and impact of such training, the development of distance education techniques, student exchanges, publications describing the work done at the Center, and the organization of annual meetings to evaluate its activities.

Later on, the informal working group formed the previous day presented a draft recommendation for consideration by the plenary which states that the Second Meeting of Ministers of Justice or of Ministers or of Attorneys General of the Americas decides that the objectives of the Justice Studies Center for shall be to provide advanced training for human resources, the exchange of information and other forms of technical cooperation, and support for efforts to reform and modernize judicial systems in the region. It is further decided to establish a group of government experts, open to participation by all delegations, to draw up a draft statute to govern the Center's activities and a work plan. The group would also identify public and private bodies working on these issues and establish ties with international organizations in order to obtain the necessary technical backing to run the Center. The draft recommendation also envisages that the Center's work plan will focus, at first, on topics related to criminal justice, and it expects the group of experts to conclude its work by September 21, 1999. Finally, the draft recommendation requests the OAS to provide the support needed for the group of experts to carry out its tasks.

Some delegations said they preferred not to restrict the future work of the studies center to the field of criminal justice, but to extend its work to cover the modernization of judicial systems and the independence of the judiciary. However, it was deemed necessary to maintain a sharp focus in the Center's initial activities in order to ensure that progress is made. As for the exchange of information aspect of the Center's work, some delegations were concerned that this should not include the exchange of sensitive or intelligence information, because that would diminish the Center's credibility. With these considerations taken into account, the draft recommendation was approved.

VI. Fourth Working Session

The fourth working session took place in the afternoon.

The Head of the Delegation of the United States began by announcing that her government was willing to donate a million dollars to help run the Justice Studies Center once the group of government experts had concluded its work. The other delegations expressed their appreciation for this initiative.

An informal working group was set up to discuss extradition in the course of the afternoon.

Discussion then began immediately on item 3 of the agenda: **“Strengthening and developing inter-American cooperation.”** The topic covered: 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) and legal and judicial cooperation (inter-American treaties; other mechanisms; extradition; information sharing; submission of documents and other types of evidence; witness protection agreements, etc.).

With respect to fighting organized crime and transnational crime, including cyber crime, it was announced that the informal working group on cyber crime had completed its work and a draft recommendation was submitted and approved by the plenary. It recommends establishing an intergovernmental group of experts within the framework of the OAS with a mandate to make a diagnostic assessment of criminal activity associated with computers and information, or that uses computers as a means for committing an offense; to analyze national laws, policies, and practices related to such activity; to identify national and international bodies with experience in this field; and to identify the mechanisms for cooperation already in place in the inter-American system for combating cyber crime. Finally, it is recommended that the intergovernmental group of experts present a report to the next Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas.

Some delegations also stressed the urgent need to fight against certain forms of organized crime, such as drug trafficking and illicit arms deals, and it was suggested that an inter-American criminal court might be created to hear such international crime cases.

With regard to legal and judicial cooperation, several delegations underscored the importance of effective application of the inter-American conventions currently in force in this area and a proposal was put forward exhorting OAS member states that have not already done so to undertake to promote ratification of those conventions and to appoint the central authorities contemplated in the various inter-American conventions, in order to ensure enactment of the norms they contain and the effectiveness of this cooperation mechanism. It was also proposed that a meeting of those central authorities be held in order to evaluate how each is performing with respect to the various different inter-American conventions on legal and judicial cooperation.

Several delegations also referred to current debate regarding extradition procedures and suggested the need to revise them to make them more effective, since extradition is a key instrument in regional cooperation efforts. It was recommended that lists be drawn up of verified extradition procedures.

The President of the Meeting then invited Mr. Brynmor Pollard, a member of the Inter-American Juridical Committee, to take the floor. Mr. Pollard referred to the document entitled "Enhancing Administration of Justice in the Americas: Protection and Guarantees for Judges and Lawyers in the Exercise of their Duties," which contains resolution CJI/RES.4/LIV/99, adopted by the Juridical Committee during its fifty-fourth regular session. He suggested that certain items among those to be dealt with at this Meeting warranted special attention, namely those listed in point 8 of that document, and promised that the Inter-American Juridical Committee would cooperate fully in support of member states.

Mrs. Cecilia Sosa Gómez, President of the Supreme Court of Venezuela and President of the Organization of Supreme Courts in the Americas, also spoke. She referred to the cooperation

agreement recently signed with the OAS to establish a communications network on subjects related to the administration of justice. She asserted that the judiciary needs to be autonomous and independent. She maintained that the reforms underway in the region have led to collaboration with the legislative and judicial branches of government in the various countries and that this Meeting was an example. She underlined the need for greater cooperation between countries, based on the processed, comparative data needed to achieve common solutions. She said that priority areas should be selected to serve as a basis for basic and advanced training of the human resources involved in administration of justice.

VII. Fifth Working Session

The fifth working session began on the morning of March 3. An informal working group was formed to consider the recommendations of the Second Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas. This informal group worked parallel to the plenary and was coordinated by Ambassador Beatriz Ramaciotti, on behalf of the Peruvian delegation. It worked with a draft list of conclusions and recommendations prepared by the Secretariat for Legal Affairs of the OAS in light of the main observations made at the Meeting. The participants also began to consider the fourth agenda item, "**Prison and penitentiary policy**," which includes the subtopics "Modernization of the sector and improvement of legal frameworks," "New developments in criminal procedure," and "Regional cooperation mechanisms."

The various delegations pointed to the need to improve prison facilities in the countries of the region, to do away with overcrowding, to reduce escape rates, and to train prison personnel. They noted that new technologies could be used for these purposes, and that the governments should address these social issues from a policy standpoint. They also noted the need to increase supervision in the jails and prevent them from becoming centers for crime and indoctrination where traffic in drugs, alcohol, and weapons flows freely. However, many delegations also recognized the economic and budgetary difficulties faced by the various countries in implementing better prison policies.

Some delegations called attention to a number of issues that should be addressed on a priority basis by the governments. They presented to the Meeting the reforms that have been under way in their countries, such as participation by private entrepreneurs in providing paid employment to inmates, as one of the ways of reincorporating them into society, and parallel efforts with the families of the inmates.

In addition, a proposal was made to continue organizing seminars or workshops for the exchange of experience in prison policy matters, with a view to finding new alternatives. The establishment of a unit dealing with prison policy matters within the OAS was also proposed. The unit would conduct evaluations, promote and develop prison policy, and coordinate the necessary technical assistance. The proposal received support from a number of delegations. Others, however, expressed reservations. They suggested that the functions of such a unit should be reformulated to cover many of the issues discussed during the Meeting, rather than penitentiary policy alone. It was also noted that account should be taken of resources already available in this area in the General Secretariat, so as not to duplicate efforts or bureaucratize the process. An informal group was formed to consider this proposal. An initial proposal was also offered by the informal group on extradition, which has not yet reached a final consensus.

The representative of the International Committee of the Red Cross also spoke at this session on actions taken by the ICRC in recent years, especially visits to persons accused or convicted for ideological or political reasons in the region. In addition, the representative of the Holy See spoke about human dignity and the rights derived from it, which legislatures and judiciaries should take as the guide for their efforts, always keeping in mind the common good. He spoke of the urgent need to enhance social justice in today's world.

VIII. Sixth Working Session

The sixth work session took place on the afternoon of March 3. Ambassador Beatriz Ramacciotti, Coordinator of the informal working group, presented the conclusions and recommendations agreed upon by the group and adopted by consensus during the sixth and last working session of the Second Meeting of Ministers of Justice, or of Ministers, or Attorneys General of the Americas. They are to be found in Chapter IV of this Report. Two resolutions were adopted: a) thanking the Government and people of Peru, and b) congratulating the Chair of the Meeting. They are attached to this Report.

Finally, the Meeting agreed to accept and thank the governments of Costa Rica and Trinidad and Tobago for their offers to host the Third and Fourth Meeting, respectively.

IX. Closing Session

At 5:00 p.m. on March 3, 1999, the Minister of Justice of Peru, Carlota Valenzuela de Puellas, in her capacity as Chair of the Second Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, thanked all the delegations for their participation, expressed appreciation to the OAS General Secretariat and the local secretariat for their support, and declared the Meeting closed.

CHAPTER IV

CONCLUSIONS AND RECOMMENDATIONS

At the conclusion of its discussions of the various items on the agenda, the Second Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas convened under the aegis of the OAS reached the following conclusions and recommendations:

I. Access to Justice

- A. To continue with the exchange of experiences regarding measures and initiatives adopted at the domestic level, as well as progress achieved and obstacles encountered by the OAS member states in relation to the problem of access to justice in their respective countries; improvement of legal aid and defense services; legal protection

of minors; and incorporation of alternative dispute resolution methods in national administration-of-justice systems.

- B. To further those ends, clear identification will be made of the applicable cooperation mechanisms in these areas, and the following actions, *inter alia*, undertaken: compilation of the legislation in force regarding these matters, with a view to creating a database; comparative studies; and preparation of a list of countries and institutions that are in a position to provide international cooperation in these areas.

II. Training of judges, prosecutors, and judicial officials

A. Justice Studies Center for 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 General Secretariat by organizing regional or subregional courses, workshops, and seminars to train and develop the legal skills of officials in charge of the justice system in the OAS member states in collaboration with international or national, governmental or nongovernmental institutions.

III. Strengthening and developing inter-American cooperation

A. To strengthen international cooperation, in the framework of the OAS and other institutions, in areas of special concern, such as the struggle against terrorism, combating corruption, money laundering, drug trafficking, forgery, illicit trafficking in firearms, organized crime, and transnational criminal activity.

B. Cyber Crime

Because of the importance and difficulty of the issues presented by cyber crime, and the spread and potential magnitude of the problems it poses for our countries, it is recommended to establish an intergovernmental expert group, within the framework of the OAS, with a mandate to:

1. complete a diagnosis of criminal activity which targets computers and information, or which uses computers as the means of committing an offense;
2. complete a diagnosis of national legislation, policies and practices regarding such activity;
3. identify national and international entities with relevant expertise; and
4. identify mechanisms of cooperation within the inter-American system to combat cyber crime.

The intergovernmental expert group should present a report to the Third Meeting of Ministers of Justice or Ministers or Attorneys General of the Americas.

C. To continue working in an effective and flexible manner to strengthen mutual legal and judicial assistance among the OAS member states, particularly with respect to extradition, requests for delivery of documents and other forms of evidence and the establishment of secure and prompt channels of communications between central authorities.

D. To evaluate the application of inter-American conventions in force in the area of legal and judicial cooperation, in order to identify measures for their effective implementation or, if appropriate, to determine whether the existing legal framework in the hemisphere should be changed.

E. To urge OAS member states that are parties to treaties for legal and judicial cooperation to appoint Central Authorities where they have not yet done so, to ensure the effective implementation of these treaties.

F. To recommend that the OAS convene a meeting of central authorities in due course to strengthen cooperation among those authorities in relation to the various conventions on the subject of legal and judicial cooperation.

G. Extradition, forfeiture of assets, and mutual legal assistance

Recognizing the need to strengthen and facilitate legal and judicial cooperation in the Americas with regard to extradition, forfeiture of assets and mutual legal assistance, and to enhance individual and international efforts against organized crime and transnational criminal activity through improved intergovernmental communication and understanding, we commit ourselves to exchange information, through the OAS, on the following matters in order to deal with them at the Third Meeting of Ministers:

1. Extradition “checklists”, glossaries of commonly-used legal terms, and similar instruments of simplified guidance and explanation on extradition and related processes;
2. Sample forms for intergovernmental requests for mutual legal assistance;
3. Instructional materials on the best methods for securing bilateral and international assistance in the area of forfeiture of assets.

In order to facilitate this work, we will immediately begin to compile a list of contact points for information on extradition, mutual legal assistance, and forfeiture of assets.

IV. Prison and penitentiary policy

To reiterate the need to promote the exchange of national experience and technical cooperation in prison and penitentiary policy matters within the framework of the OAS.

V. Venue of the Third and Fourth Meetings of Ministers of Justice or of Ministers or Attorneys General of the Americas

- A. To accept with gratitude the offer of the Government of Costa Rica to host the Third Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas and agree that the agenda for that meeting should be prepared within the OAS.
- B. To accept with gratitude the offer of the Government of Trinidad and Tobago to host the Fourth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas and agree that the agenda for that meeting should be prepared within the OAS.

APPENDIX I

SEGUNDA REUNIÓN DE MINISTROS DE JUSTICIA
O DE MINISTROS O PROCURADORES GENERALES
DE LAS AMÉRICAS
1 al 3 de marzo de 1999
Lima, Perú

OEA/Ser.K/XXXIV.2
REMJA-II/INF.1/99
1 marzo 1999
Original: español

INTERVENCIÓN DE CÉSAR GAVIRIA TRUJILLO, SECRETARIO GENERAL DE LA OEA

INTERVENCIÓN DEL SECRETARIO GENERAL DE LA OEA,
CÉSAR GAVIRIA TRUJILLO, EN LA REUNIÓN DE
MINISTROS DE JUSTICIA O PROCURADORES GENERALES
DE LAS AMÉRICAS

Lima, Perú, marzo de 1999

Quisiera comenzar por agradecer al Gobierno del Perú y, en particular, a usted señor Presidente Fujimori, por el generoso ofrecimiento que nos hicieron para que esta Segunda Reunión de Ministros de Justicia o Procuradores Generales de las Américas tuviera lugar en Lima. Permítanme destacar el liderazgo, compromiso y dedicación que han mostrado en la organización de este encuentro el Canciller, Fernando De Trazegnies, la Ministra de Justicia, María Carlota Valenzuela de Puelles, y la muy dedicada y eficiente Representante de Perú ante la OEA, Embajadora Beatriz Ramacciotti.

Y antes de entrar en tema, quisiera referirme al servicio que ustedes, Presidente Fujimori, como cabeza del Estado Peruano y el Presidente Mahuad como cabeza del Estado Ecuatoriano le han rendido a la vigencia del Estado de Derecho, al imperio de la Justicia en las Américas. Mucho hemos hablado de los significativos logros que ustedes nos han ofrecido a todos los Americanos con su coraje para tomar decisiones difíciles, riesgosas controvertidas. Para recorrer caminos que parecerían inexplorables, para ceder en lo que parecían posiciones innegociables. También hemos hablado que al final de la jornada nos espera por ventura restañar las heridas, y tener unos pueblos más hermanados, más solidarios y también por contera una América más unida, una América más esperanzada.

Hemos hablado de como con su determinación ustedes encarnan hoy los ideales de todos nuestros pueblos de vivir en paz y en armonía, de usar nuestros recursos para buscar la prosperidad la igualdad, la justicia social y de usarlos para fortalecer nuestras democracia y defenderla de los peligros que la acechan.

La firma del Tratado de Paz entre Ecuador y Perú representa mejor que cualquier otro acto después del fin de la guerra el nuevo espíritu que reina en América de integración, de búsqueda colectiva de valores que nos son comunes. Con él vamos dejando atrás décadas de la confrontación, de desconfianza, de ese pesimismo atávico con el que hemos enfrentado la vida colectiva de América que nos llevo en varias oportunidades a aceptar la inevitabilidad de la guerra.

Pero tal vez en lo que quisiéramos hacer énfasis en esta mañana es como esta histórica decisión han logrado darle sentido a los principios consagrados en nuestra Carta y que representaron en nuestro medio conquistas jurídico políticas de la mayor trascendencia, fruto de décadas de enconadas luchas para crear un derecho interamericano basado en principios jurídicos, no en hechos bélicos, para que en América las divergencias se resolvieran no a la fuerza sino apelando al derecho internacional, al arreglo directo, al arbitraje, a la mediación, a los buenos oficios. Ustedes, señores Presidentes, han demostrado la vigencia de un principio esencial de nuestra Carta Constitutiva: la solución pacífica de las controversias. Ecuador y Perú nos han devuelto la fe en las reglas que rigen nuestras relaciones comunes, y que ante todo rechazan el uso de la fuerza como fuente de derechos en

favor de los Estados. Qué mejor servicio a la Justicia y a la vigencia del Estado de Derecho en las Américas.

Y regresando a la materia que aquí nos congrega quisiera en primer lugar señalar que en buena hora Argentina tomo la iniciativa de realizar la primera reunión regional de Ministros de Justicia y Fiscales Generales en Diciembre del 97. Sus conclusiones y recomendaciones, así como las de la reunión posterior de expertos gubernamentales, constituyeron aportes substanciales para las decisiones que adoptaron los jefes de Estado y de Gobierno en la Cumbre de las Américas de Santiago de Chile. Por lo demás los mandatarios ordenaron la celebración de reuniones periódicas de Ministros y Procuradores Generales del Hemisferio en el marco de la Organización de los Estados Americanos.

Este nuevo encuentro corresponde pues al cumplimiento de ese mandato y a la convocatoria y generosa hospitalidad del Gobierno del Presidente Fujimori. Para Lima, hemos edificado sobre los avances dados desde nuestra cita en Buenos Aires y aquí todos venimos con un espíritu abierto a intercambiar ideas, a aprender los unos de los otros y aunar esfuerzos para hacer que nuestra acción colectiva sea cada vez más eficaz para hacerle frente a los desafíos y problemas que ustedes han ido identificando para la conformación de una agenda hemisférica.

Por eso sin desconocer la importancia de otros temas, este diálogo será más fructífero, en la medida en que se concentre sobre cuatro áreas de gran importancia para la modernización y el fortalecimiento de los sistemas de justicia en las Américas: el acceso a la justicia; la formación de jueces, fiscales y funcionarios judiciales; la política carcelaria y penitenciaria, y el fortalecimiento y desarrollo de la cooperación judicial y jurídica interamericanas.

Desde los inicios de la década de los ochenta, la reforma de los sistemas de justicia se ha ido convirtiendo en una prioridad en la agenda de nuestros gobiernos y de nuestros países. Hoy nadie discute que para consolidar la democracia y hacerle frente a los peligros que la asechan: narcotráfico, terrorismo, corrupción; para fortalecer los mecanismos de protección de los derechos humanos, para asegurar el crecimiento económico es indispensable contar con una administración de justicia accesible, eficaz, eficiente, independiente, dignificada, fuerte y sensible a los valores democráticos, así como fortalecer los mecanismos de cooperación jurídica y judicial en las Américas.

Pero esta es una tarea bastante compleja no solo por los significativos problemas substantivos sino, además, por la consecuente percepción tan negativa que tenemos en las Américas de nuestros sistemas judiciales. Muchos sondeos muestran que la América Latina y el Caribe es una de las regiones de menor fiabilidad del estamento judicial. Estas circunstancias deslegitiman los procedimientos democráticos, estimulan la justicia por mano propia y la violencia y afectan gravemente la competitividad de nuestras empresas en términos internacionales.

Para hacerle frente a tan graves males claramente percibidos por los ciudadanos de todas las latitudes hemisféricas durante la última década en numerosos países de América Latina y el Caribe se ha puesto en marcha reformas judiciales con el apoyo en especial del BID, pero también del Banco Mundial y la AID, en un esfuerzo pionero que merece todo el reconocimiento de la comunidad internacional.

Aún cuando pareciera muy temprano para evaluar el impacto total de esas reformas, ya es hora de comenzar a analizar algunos de los resultados que se han venido produciendo y de aprender lecciones de la experiencia que se han tenido con algunas de estas reformas.

Una mirada sobre el camino que hemos recorrido hasta ahora, nos permite comprobar que las reformas emprendidas todavía tienen un alcance limitado, que en algunos casos se han generado efectos no previstos o no deseados y que, en definitiva, aún son muchas las acciones que, entre todos, tenemos que adelantar para asegurar que en realidad se modernicen nuestros sistemas de justicia. Haber olvidado durante tantos años la justicia y haberla reducido a una especie de cenicienta de las instituciones públicas, representa una carga difícil de llevar para cualquier esfuerzo de reforma.

Tal vez el principal factor que está pesando sobre las bondades o beneficios de las Reformas Judiciales está relacionado con el de las altas expectativas o las significativas demandas de respuesta que los ciudadanos esperan de nuestros Sistemas Judiciales. Seguramente esa relativa impaciencia de nuestros ciudadanos se origina en que a pesar de los esfuerzos realizados se ha producido un dramático crecimiento de la de la criminalidad. Según estudios recientes, por ejemplo, en el caso de los homicidios, en América Latina la tasa promedio es más del doble que en cualquier otra región del mundo y seis veces el promedio mundial, para no mencionar otras modalidades de violencia o de impunidad que han terminado por generar sentimientos generalizados de inconformidad y, con frecuencia desespero, y que nos llevan a señalar aun los muy limitados resultados de las reformas emprendidas.

¿Qué podemos hacer para afrontar esta realidad? En primer lugar, pienso que es necesario realizar un mayor esfuerzo pedagógico para explicar que la reforma judicial es un proceso y no un hecho estático o aislado en el tiempo y que, en consecuencia, después de tantos años de olvido y ostracismo, no son suficientes la expedición de algunas normas o la realización de algunos cambios, para asumir que, como por encanto, se modernizan los sistemas de justicia.

Los pasos que hemos dado hasta ahora han mostrado que, como ocurre con relación a todas las demás políticas públicas, no existen milagros o soluciones mágicas o simples para las fallas de la justicia. De hecho, parte de lo que hemos aprendido es que los problemas en este caso son sistémicos y exigen, por lo tanto, soluciones continuadas de la misma naturaleza, en las esferas constitucional, legal, administrativa, presupuestal, de apoyo logístico, de los Sistemas educativos del Derecho, de los de la capacitación, etcétera.

En segundo lugar y por eso la importancia de reuniones como esta, tenemos que aprovechar mucho más el conocimiento acumulado y las lecciones aprendidas. La experiencia de estos años nos comprueba que todavía existe un espacio inmenso para mejorar el diseño y la ejecución de las reformas en curso y de consiguiente de las que se deben acometer en el futuro. Para conseguir este propósito, entre otros, se requiere promover y facilitar el intercambio de información y de experiencias. No tiene sentido volver a repetir errores en que otros han incurrido, con frecuencia con inmensos costos para los países.

En tercer lugar, es preciso que todos entendamos que las reformas judiciales deben permitir y asegurar la evaluación periódica de los avances y resultados. Nuestros pueblos no están dispuestos a seguir girando cheques en blanco. Cada vez es más evidente que sin una adecuada rendición de

cuentas, va a ser muy difícil, o en muchos casos imposibles, exigir mayores esfuerzos fiscales o congregar un gran respaldo ciudadano en torno a los procesos de transformación de los sistemas de justicia.

En cuarto lugar, se requiere formular la reforma judicial como una política integral que abarque tanto las diferentes áreas sustantivas y procesales, como todas las instituciones relacionadas con el tema ya sean cortes y juzgados, organismos de policía judicial, ministerios de justicia, procuradurías, fiscalías o sistemas penitenciarios y carcelarios.

En quinto lugar, es necesario concebir la reforma judicial como un proceso político en el mejor sentido de la palabra que, por lo tanto, interesa a toda la ciudadanía y en el que deberían participar tanto los jueces, los gobiernos y los legisladores, como el sector privado, los centros de investigación y capacitación, los medios de comunicación y la sociedad civil.

Sr. Presidente Señores Ministros y Procuradores:

Quisiera compartir algunas reflexiones sobre los cuatro grandes temas de los cuales se van a ocupar ustedes, con el único ánimo de contribuir a este diálogo que no dudo será muy enriquecedor y constructivo.

En cuanto al tema del acceso a la justicia, pienso que para corregir algunas de las fallas que se presentan en este frente, tenemos que avanzar aún más en la creación de condiciones que faciliten a las personas, cuando esto sea posible, resolver sus controversias sin necesidad de acudir a los jueces y de reservar la intervención de éstos para la resolución de aquellos conflictos que por su importancia social y jurídica verdaderamente lo demanden. Permítanme sólo citar dos ejemplos.

El crecimiento del comercio internacional y la necesidad que tienen nuestros países de una significativa contribución de la inversión extranjera a sus procesos productivos, hacen imperativo desarrollar los instrumentos que garanticen seguridad jurídica y celeridad en la solución de las diferencias que se puedan presentar. Como resultado del abuso de la protección diplomática por parte de los estados de origen de los inversionistas extranjeros, en Latinoamérica se desarrolló una estructura legal que buscaba someter a los inversionistas extranjeros a la jurisdicción exclusiva del Estado anfitrión. Yo me pregunto si no conviene que avancemos mucho más en la promoción y aplicación del arbitraje y otros medios alternativos para la solución de este tipo de conflictos.

De hecho, para avanzar en esta dirección, la Secretaría General de la OEA, en unión de las Cámaras de Comercio, durante promovió la realización de programas de cooperación en materia de arbitraje internacional.

En el otro extremo, creo que debiéramos dar nuevos pasos que faciliten y hagan expedito la resolución de conflictos cotidianos de los pobladores de menores recursos económicos y en el interior de grupos étnicos y organizaciones sociales que tienen una vida institucional activa. Estoy seguro que en este campo tenemos un amplio terreno para aprender los unos de los otros. Sin desconocer la singularidad y características de cada caso, tengo la certeza que sería muy ilustrativo para todos conocer mucho más, para sólo citar algunos ejemplos, de la experiencia peruana de la justicia de paz y de los sistemas de solución de controversias en el seno de las comunidades campesinas y nativas; de

los desarrollos dados en el Brasil con la creación de los juzgados especiales para la conciliación, juicio y ejecución de causas civiles de menor complejidad, e infracciones penales de menor potencial ofensivo; o de los resultados que han tenido en Colombia las llamadas casas de justicia.

En cuanto al tema de la formación de jueces, fiscales y funcionarios judiciales, sin perjuicio de la descripción de los programas y escuelas que se han creado en varios países, pienso que sería de gran utilidad intercambiar ideas sobre cómo definir el tipo de capacitación que se necesita en cada caso, cómo evaluar el impacto real de los programas que se desarrollan y cómo vincular la capacitación con los sistemas de carrera y promoción laboral.

En desarrollo de los mandatos de la Cumbre de las Américas de Santiago, ustedes también se van a ocupar de la creación del Centro de Estudios de Justicia de las Américas. Allí va a ser necesario avanzar en la definición de líneas de política fundamentales. ¿Cuál va a ser el nicho de acción de este centro? ¿En qué áreas se debiera concentrar? ¿Cómo debiera ser su organización y funcionamiento? ¿Cómo debiera coordinar sus acciones con las instituciones nacionales y con los organismos del sistema interamericano? ¿Cómo debiera rendir cuentas periódicas sobre sus actividades y resultados? Todas estas son preguntas básicas si en verdad queremos asegurar que esta nueva institución genere un valor agregado en el desarrollo de los temas de la justicia en la región.

En cuanto al tercer tema de su agenda, es una realidad que los sistemas carcelarios y penitenciarios son cada vez objeto de mayores preocupaciones. Las políticas en esta materia merecen una atención especial tanto por consideraciones humanitarias, como de eficacia y eficiencia. En el informe de progreso sobre las condiciones de detención en las Américas, la Comisión Interamericana de Derechos Humanos hizo una primera identificación de las áreas que necesitan ser tratadas, y cuyo análisis más detallado haría pertinente el convocar una primera reunión de las autoridades judiciales para hablar de política penitenciaria y carcelaria y de las autoridades carcelarias o penitenciarias de los países del hemisferio que nos permita intercambiar experiencias e información práctica sobre problemas comunes y definir programas y proyectos específicos de cooperación en este campo.

El último tema de la agenda tiene que ver con algo que es de la esencia de nuestra organización el referente a la cooperación judicial. Durante los últimos años se han realizado avances de gran importancia en el marco de la OEA que ha demostrado estar a la vanguardia en la adopción de instrumentos jurídicos internacionales contra modalidades específicas de criminalidad organizada. Entre ellos, quisiera relevar la Convención interamericana contra la corrupción, instrumento pionero que ha inducido importantes desarrollos entre los países de la OCDE y en el Continente Europeo; la declaración y el plan de acción para prevenir, combatir y eliminar el terrorismo; la estrategia antidrogas del Hemisferio; la Convención interamericana contra la fabricación y el tráfico ilícito de armas de fuego, municiones, explosivos.

Todos ellos hacen parte de los veinticuatro tratados que hacen relación con la cooperación judicial. De entre ellos dos no han entrado en vigor a pesar de que uno de ellos fue adoptado hace más de 15 años y el otro hace cerca de seis años. Del mismo estudio se infiere que el 48% de los países que firmaron estas convenciones aún no las han ratificado. Por eso, pienso que la ratificación y aplicación efectiva de estos instrumentos jurídicos, constituye tal vez el primero y más importante desafío que tenemos en materia de cooperación jurídica y judicial.

La Secretaría General, tomando como caso piloto la Convención contra la Corrupción, realizó el año pasado seminarios en varios países miembros para apoyar la ratificación e implementación de este tratado y durante el año en curso, en unión del BID, vamos a desarrollar actividades de cooperación en otros doce países del hemisferio con el mismo propósito. Podríamos apoyar procesos similares en relación con otros instrumentos interamericanos de cooperación jurídica y judicial, definidos por los SS Ministros y Procuradores Generales.

Permítanme, por último, destacar la importancia de la iniciativa, promovida por la señora Procuradora Janet Reno de los Estados Unidos, en el sentido de incluir como parte de las deliberaciones de esta reunión, los temas relacionados con el combate a los llamados delitos cibernéticos.

Señor Presidente Fujimori, Sres. Ministros y Procuradores Generales

Los avances que hemos dado en apenas un poco más de un año desde nuestra reunión en Buenos Aires, sólo nos permiten ser optimistas tanto sobre los resultados de este encuentro como sobre los desarrollos del mismo. Estoy seguro que a partir de este dialogo entre ustedes podremos definir una nueva carta de navegación para la modernización y el perfeccionamiento de los sistemas de justicia y para el fortalecimiento cooperación jurídica y judicial en las Américas que este a la altura de lo que nos demandan nuestros pueblos y nuestras instituciones en el marco de la creciente integración hemisférica.

Gracias Sr. Presidente Fujimori por su siempre generosa hospitalidad para convocarnos a todos los americanos a esta patria generosa y en tránsito continuado hacia nuevas instituciones que le ayuden a consolidar su democracia.

SEGUNDA REUNIÓN DE MINISTROS DE JUSTICIA
O DE MINISTROS O PROCURADORES GENERALES
DE LAS AMÉRICAS
1 al 3 de marzo de 1999
Lima, Perú

APPENDIX II

OEA/Ser.K/XXXIV.2
REMJA-II/INF.2/99
1 marzo 1999
Original: español

DISCURSO DEL ING. ALBERTO FUJIMORI, PRESIDENTE DE LA REPÚBLICA DEL PERÚ

DISCURSO DEL SR. PRESIDENTE DE LA REPÚBLICA, ING. ALBERTO FUJIMORI,
EN LA II REUNIÓN DE MINISTROS DE JUSTICIA Y PROCURADORES GENERALES
DE LAS AMÉRICAS

- Señores Ministros de Justicia y Procuradores Generales de las Américas
- Doctor César Gaviria Trujillo, secretario general de la Organización de Estados Americanos (OEA)
- Señoras y señores:

Expreso, en primer término, el reconocimiento y agradecimiento del Gobierno del Perú al secretario general de la OEA, doctor César Gaviria, por esta convocatoria a la II Reunión de Ministros de Justicia de las Américas. Ello no sólo permitirá dar continuidad a las recomendaciones acordadas durante la primera reunión, sino, fundamentalmente, a las tareas tendientes a la modernización y fortalecimiento de los sistemas de justicia en las Américas.

Uno de los grandes desafíos de hoy lo constituye la necesidad de contar con instituciones judiciales eficientes, modernas y responsables, capaces de responder rápidamente a las demandas existentes y de combatir de manera eficaz flagelos comunes que vienen afectando de manera creciente a nuestras sociedades.

Y esta II Reunión de Ministros de Justicia y Procuradores Generales de las Américas, a la que doy afectuosa bienvenida en nombre del pueblo peruano, es una nueva respuesta a ese desafío.

Se menciona a menudo, y a veces en un tono de áspera crítica, que en América Latina, y respecto de otros aspectos de la vida nacional, la reforma de los sistemas de justicia no va al ritmo de otras reformas. Esto es cierto en el caso del Perú y no vamos a negarlo. Pareciera que los defectos y rezagos de un sistema que hunde sus raíces en el orden colonial, todavía florecen.

Pero se olvida, a menudo, que este sistema ha podido sobrevivir a todos los regímenes democráticos de la era republicana. Incluso entre los críticos de la actual reforma hay hasta ex-ministros de justicia, funcionarios y expertos que en otros tiempos intentaron, sin éxitos concretos, transformaciones substanciales. Todo lo cual no quiere decir que estemos capitulando o buscando justificaciones frente a errores o limitaciones.

Seguimos pensando lo mismo: No habrá desarrollo estable en América, en el Perú, ni en ninguna parte, mientras éste no proyecte la suficiente confiabilidad para que toda la sociedad sienta que tiene asegurado el acceso a la justicia para hacer valer sus derechos.

Que no haya, por eso, dudas que todos los países tenemos la firme voluntad política de alcanzar este objetivo. Sin embargo, es necesario toda una cultura democrática, que parta desde abajo y que acompañe de manera sostenida también este esfuerzo.

Independencia del Poder Judicial significa, no interferencia de éste por otro poder del Estado, obviamente, sino también, igualmente, que no pueda ser manipulado por intereses privados.

Así como la pobreza económica es producto de décadas de experimentos populistas, derroche fiscal y corrupción en la hacienda pública, las deficiencias judiciales, desde siempre, han sido, en parte, producto de los manejos de sectores minoritarios.

Aquí en el Perú, leguleyadas históricas, grandes injusticias, han sido en el pasado cosa de todos los días. Así se esquilmba a las comunidades campesinas, así se hicieron grandes fortunas con negocios inmobiliarios, con la consolidación de la deuda externa e interna.

Un sistema de justicia moderno y eficiente no es un objetivo inalcanzable, pero existe, repito, un requisito básico para lograrlo: una cultura ciudadana que apunte a la defensa férrea de los derechos fundamentales del hombre y de todos los ciudadanos.

Aquí en el Perú existen millones de peruanos que han migrado a Lima desde los Andes, invadido luego terrenos eriazos y construido precaria vivienda.

Hoy, después de décadas, cientos de miles de esos ciudadanos comienzan a tener títulos de propiedad inmobiliaria, de igual valor que los que poseen propiedades en barrios exclusivos. Esto también es justicia. También esos peruanos de barrios marginales hoy cuenta con la infraestructura urbana básica, con que ayer no contaban. Les falta aún muchas cosas, sin duda, pero entre ellas, el derecho a la justicia.

Es decir, cuando hablamos de sistemas de justicia, no sólo nos referimos a la aplicación de la ley, sino también, valga la redundancia, a la aplicación de la justicia en toda la extensión de la palabra, es decir en su dimensión económica y social.

Y por ello, la preocupación por el acceso universal a la justicia, que será un tema central de esta importante reunión, es una aspiración que compartimos plenamente. Que el humilde poblador pueda hacer valer sus derechos ante cualquier otro ciudadano, no importa lo económicamente poderoso que sea.

Todavía hay mucho por hacer, para que el ciudadano humilde, el niño desamparado y la mujer que es objeto de la violencia doméstica, puedan proteger debidamente sus derechos, al igual que quién tiene grandes apellidos y recursos.

En el marco del “Programa de Mejoramiento de Acceso a la Justicia” en el Perú ahora se empieza a construir 83 módulos básicos de justicia a nivel nacional y en zonas urbanomarginales y de frontera.

Hay siempre quienes trafican con algunas realidades y conceptos. Se dice, por ejemplo, que en 1992, cuando se dieron medidas excepcionales para enfrentar la lucha antiterrorista se caminó en sentido contrario a la Ley y la juridicidad. Hay que recordar, una vez más, que entonces el sistema de administración de justicia era solamente una fachada, detrás de él habían jueces y funcionarios amenazados por el terrorismo, incapaces en la práctica de ejercer regularmente su función.

Eran Sendero Luminoso y el MRTA los que aplicaban “su Ley”, a través de un control coactivo del sistema. 750 inculpados terroristas fueron puestos en libertad por, dicen que “falta de pruebas”. Entre quienes se liberó estuvo nada menos que Abimael Guzmán, cabeza de Sendero Luminoso y un gran genocida.

La realidad nos obligó a dictar una legislación de emergencia para salvar a la democracia. Si no hubiéramos hecho aquello, hoy el territorio peruano estaría tomado por el narcoterrorismo y la II Reunión de Ministros de Justicia y Procuradores de las Américas no estarían reuniéndose aquí en este salón.

No se trata de quebrar el Estado de Derecho, sino de adecuarlo a circunstancias de emergencia. Hace dos años el incremento de la criminalidad urbana, impuso como realidad una legislación provisional que nos ayudara a preservar un clima de tranquilidad para todos los ciudadanos, y de confianza para los inversionistas.

Evidentemente no hemos logrado hacerlo todo, pero el balance no es negativo. Hoy en el Perú hay una justicia más descentralizada, hay cárceles modernas y donde es posible la rehabilitación del recluso. Existe, en suma, un mayor acceso a la justicia para las mayorías.

Celebramos por todo ello el que la Organización de los Estados Americanos haya asumido el serio compromiso de impulsar la cooperación jurídica y judicial y el intercambio de experiencias en cuanto se refiere al combate contra el crimen organizado y la delincuencia transnacional, incluyendo modalidades inimaginables en otros tiempos, como el que acaba de mencionarse, el delito cibernético.

Señoras y señores:

El Gobierno del Perú, así como lo expresáramos todos los Jefes de Estado y de Gobierno en la II Cumbre de las Américas de Santiago, tenemos una gran expectativa en el diálogo y el intercambio de información que se llevará adelante en esta II Reunión de Ministros de Justicia.

Apoyamos firmemente el que éste proceso continúe en el marco de la OEA, para beneficio de nuestros pueblos.

Con ese espíritu, nuevamente expresando nuestra bienvenida, declaro inaugurada la II Reunión de Ministros de Justicia y Procuradores Generales de las Américas.

Muchas gracias.

APPENDIX III

SECOND MEETING OF MINISTERS OF JUSTICE
OR OF MINISTERS OR ATTORNEYS GENERAL
OF THE AMERICAS
March 1 to 3, 1999
Lima, Peru

OEA/Ser.K/XXXIV.2
REMJA-II/RES. 1/99
3 March 1999
Original: Spanish

REMJA-II/RES. 1/99

EXPRESSION OF GRATITUDE TO THE GOVERNMENT AND PEOPLE OF PERU

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

BEARING IN MIND the warm welcome and kind hospitality of the people and Government
of Peru at the Second Meeting of Ministers of Justice or of Ministers or Attorneys General of the
Americas,

RESOLVES:

1. To express its most sincere gratitude to the Government and people of Peru for their
excellent work, which ensured the success of the deliberations of the Meeting, and for the many
kindnesses and courtesies extended and the facilities provided to the delegations and to the General
Secretariat of the Organization of American States.

2. To express its special thanks to the Peruvian personnel who worked at the Meeting
for their cooperation and support.

APPENDIX IV

SECOND MEETING OF MINISTERS OF JUSTICE
OR OF MINISTERS OR ATTORNEYS GENERAL
OF THE AMERICAS
March 1 to 3, 1999
Lima, Peru

OEA/Ser.K/XXXIV.2
REMJA-II/RES. 2/99
3 March 1999
Original: Spanish

REMJA-II/RES. 2/99

CONGRATULATIONS TO THE CHAIR OF THE SECOND MEETING OF MINISTERS OF
JUSTICE OR OF MINISTERS OR ATTORNEYS GENERAL
OF THE AMERICAS

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

RECOGNIZING the excellent way in which Dr. María Carlota Valenzuela de Puelles,
Minister of Justice of Peru, has presided over the proceedings of the Second Meeting of Ministers of
Justice or of Ministers or Attorneys General of the Americas,

RESOLVES:

To congratulate Dr. María Carlota Valenzuela de Puelles, Minister of Justice of Peru, Chair
of the Second Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas,
for her efficiency and skill in presiding over the proceedings of the Meeting.

APPENDIX V

SEGUNDA REUNIÓN DE MINISTROS DE JUSTICIA
O DE MINISTROS O PROCURADORES GENERALES
DE LAS AMÉRICAS
1 al 3 de marzo de 1999
Lima, Perú

OEA/Ser.K/XXXIV.2
REMJA-II/doc. 14/99 rev.1
3 marzo 1999
TEXTUAL

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APPENDIX VI

SEGUNDA REUNIÓN DE MINISTROS DE JUSTICIA
O DE MINISTROS O PROCURADORES GENERALES
DE LAS AMÉRICAS
1 al 3 de marzo de 1999
Lima, Perú

OEA/Ser.K/XXXIV.2
REMJA-II/doc. 1/99 rev.3
12 marzo 1999
TEXTUAL

LISTA DE DOCUMENTOS REGISTRADOS POR LA SECRETARÍA
HASTA EL 12 DE MARZO DE 1999

Número del documento	Título^{6/}	Idioma^{7/}
REMJA-II/doc.		
REMJA-II/doc. 1/99 <i>MJ00036</i>	Lista de documentos registrados por la Secretaría hasta el 19 de febrero de 1999	Textual
REMJA-II/doc. 1/99 rev. 1 <i>MJ00053</i>	Lista de documentos registrados por la Secretaría hasta el 1 de marzo de 1999	Textual
REMJA-II/doc. 1/99 rev. 2 <i>MJ00065</i>	Lista de documentos registrados por la Secretaría hasta el 3 de marzo de 1999	Textual
REMJA-II/doc. 1/99 rev. 3 <i>MJ000117</i>	Lista de documentos registrados por la Secretaría hasta el 12 de marzo de 1999	Textual
REMJA-II/doc. 2/99 <i>MJ00037</i>	Temario	E I F P
REMJA-II/doc. 3/99 <i>MJ00039</i>	El perfeccionamiento de la administración de justicia. (Consideración del tema por la Organización de los Estados Americanos)	E I F P

1. Título registrado en el idioma original.

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

REMJA-II/doc. 4/99 <i>MJ00040</i>	Antecedentes de la Segunda Reunión de Ministros de Justicia o de Ministros o Procuradores Generales de las Américas (Documento preparado por la Secretaría General/Subsecretaría de Asuntos Jurídicos)	E I F P
REMJA-II/doc. 5/99 <i>MJ00041</i>	La cooperación jurídica y judicial en las Américas (Documento presentado por la Secretaría General/Subsecretaría de Asuntos Jurídicos)	E I F P
REMJA-II/doc. 6/99 <i>MJ00042</i>	Proyecto de calendario	E I F P
REMJA-II/doc. 6/99 rev.1 <i>MJ00043</i>	Proyecto de calendario	E I F P
REMJA-II/doc. 6/99 rev.2 <i>MJ00054</i>	Calendario (Aprobado en la primera sesión de trabajo, celebrada el 1 de marzo de 1999)	E I F P
REMJA-II/doc. 7/99 <i>MJ00044</i>	Perfeccionamiento de la administración de justicia en las Américas: a) Propuesta de enmiendas para la Agenda de la II Reunión de Ministros de Justicia o de Ministros o de Procuradores Generales de las Américas (CJI/doc.18/99) y b) Resolución sobre la protección y garantías a los jueces y abogados en el ejercicio de sus funciones (CJI/RES.4/LIV/99) (Documentos presentados por el Comité Jurídico Interamericano)	E I
REMJA-II/doc. 7/99 rev. 1 <i>MJ00045</i>	Perfeccionamiento de la administración de justicia en las Américas: Resolución sobre la protección y garantías a los jueces y abogados en el ejercicio de sus funciones (CJI/RES.4/LIV/99) (Documento presentado por el Comité Jurídico Interamericano)	E I
REMJA-II/doc. 8/99 <i>MJ00046</i>	Implementación de la Convención sobre los Derechos del Niño en el Perú (Documento presentado por la Delegación del Perú)	E I F P
REMJA-II/doc. 9/99 <i>MJ00047</i>	Los delitos informáticos (Documento presentado por la Delegación del Perú)	E I F P
REMJA-II/doc. 10/99 <i>MJ00048</i>	Incorporación de medios alternativos para la solución de conflictos en los sistemas nacionales de administración de justicia (Documento presentado por la Delegación del Perú)	E I F P

REMJA-II/doc. 11/99 <i>MJ00049</i>	Política carcelaria y penitenciaria: Procesos de modernización del sector penitenciario y el perfeccionamiento de las normas legales (Documento presentado por la Delegación del Perú)	E I F P
REMJA-II/doc. 12/99 <i>MJ00050</i>	Formación de jueces, fiscales y funcionarios judiciales y la propuesta de creación de un centro de estudios de justicia de las Américas (Documento presentado por la Delegación del Perú)	E I F P
REMJA-II/doc. 13/99 <i>MJ00055</i>	Lista de autoridades	E I F P
REMJA-II/doc. 14/99 <i>MJ00057</i>	Lista de participantes (versión provisional)	Textual
REMJA-II/doc. 14/99 rev.1 <i>MJ00063</i>	Lista de participantes	Textual
REMJA-II/doc. 15/99 <i>MJ00058</i>	Center for Judicial Studies in the Americas (Document presented by the Delegation of the United States)	E I F P
REMJA-II/doc. 16/99 <i>MJ00064</i>	Conclusiones y recomendaciones sobre el Centro de Estudios de Justicia de las Américas (Aprobado en la tercera sesión de trabajo, celebrada el 2 de marzo de 1999)	E I F P
REMJA-II/doc. 17/99 <i>MJ00074</i>	Conclusions and recommendations on computer crime (Adopted at the fourth work session, held on March 2, 1999)	E I F P
REMJA-II/doc. 18/99 <i>MJ00082</i>	Conclusiones y recomendaciones de la Segunda Reunión de Ministros de Justicia o de Ministros o Procuradores Generales de las Américas	E I F P
REMJA-II/doc. 18/99 rev.1 <i>MJ00118</i>	Conclusiones y recomendaciones de la Segunda Reunión de Ministros de Justicia o de Ministros o Procuradores Generales de las Américas	E I F P
REMJA-II/doc. 19/99 <i>MJ00097</i>	Proyecto de resolución: Agradecimiento al gobierno y el pueblo de la República del Perú	E I F P

REMJA-II/doc. 19/99 rev. 1 <i>MJ00107</i>	Proyecto de resolución: Agradecimiento al gobierno y el pueblo de la República del Perú (Presentado por la Delegación del Costa Rica)	E I F P
REMJA-II/doc. 20/99 <i>MJ00098</i>	Proyecto de resolución: Felicitaciones a la Presidenta de la Segunda Reunión de Ministros de Justicia o de Ministros o Procuradores Generales de las Américas	E I F P
REMJA-II/doc. 20/99 rev. 1 <i>MJ00106</i>	Proyecto de resolución: Felicitaciones a la Presidenta de la Segunda Reunión de Ministros de Justicia o de Ministros o Procuradores Generales de las Américas (Presentado por la Delegación de Canadá)	E I F P
REMJA-II/doc. 21/99 <i>MJ00101</i>	Informe final de la Segunda Reunión de Ministros de Justicia o de Ministros o Procuradores Generales de las Américas (Versión provisional)	E I F P
REMJA-II/doc. 21/99 rev.1 <i>MJ00116</i>	Informe final de la Segunda Reunión de Ministros de Justicia o de Ministros o Procuradores Generales de las Américas	E I F P
REMJA-II/INF.		
REMJA-II/INF.1/99 <i>MJ00056</i>	Intervención de César Gaviria Trujillo, Secretario General de la OEA	E
REMJA-II/INF.2/99 <i>MJ00061</i>	Discurso del Ing. Alberto Fujimori, Presidente de la República del Perú	E
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REMJA-II/INF.4/99 <i>MJ00066</i>	Dispute Resolution Program (Presented by the Delegation of the United States)	I
REMJA-II/INF.5/99 <i>MJ00067</i>	Reforma y modernización del Poder Judicial en el Perú (Documento presentado por la Delegación del Perú)	E

REMJA-II/INF.6/99 <i>MJ00068</i>	Iniciativas de reforma al Código Penal en materia de delitos informáticos (Documento presentado por la Delegación de México)	E
REMJA-II/INF.7/99 <i>MJ00069</i>	Delito cibernético (Documento presentado por la Delegación de Chile)	E
REMJA-II/INF.8/99 <i>MJ00070</i>	Maximizar el acceso a la justicia, en una marco de igualdad de oportunidades (Presentado por la Delegación de Chile)	E
REMJA-II/INF.9/99 <i>MJ00071</i>	Reference report based on the recent remarks made by the Attorney General of the United States, Janet Reno, on cybercrime	E I
REMJA-II/INF.10/99 <i>MJ00072</i>	La prevención del lavado de dinero (Documento presentado por la Delegación del Ecuador)	E
REMJA-II/INF.11/99 <i>MJ00073</i>	La lucha de México contra el narcotráfico: acciones y logros (Documento presentado por la Delegación de México)	E I
REMJA-II/INF.12/99 <i>MJ00075</i>	Glossary of terms which are used in United States criminal cases and may appear in United States requests for extradition or mutual legal assistance (Document presented by the Delegation of the United States)	I
REMJA-II/INF.13/99 <i>MJ00076</i>	Form for mutual legal assistance request/Forma para solicitudes de asistencia jurídica mutual (Document presented by the Delegation of the United States/Documento presentado por la Delegación de los Estados Unidos)	E I
REMJA-II/INF.14/99 <i>MJ00077</i>	Ponencia de la Magistratura (Documento presentado por la Delegación del Perú)	E
REMJA-II/INF.15/99 <i>MJ00078</i>	Ley de justicia penal juvenil (Documento presentado por la Delegación de Costa Rica)	E
REMJA-II/INF.16/99 <i>MJ00079</i>	Regulación sobre delito cibernético (Documento presentado por la Delegación de Costa Rica)	E
REMJA-II/INF.17/99 <i>MJ00080</i>	Statement by Hon. Ben Clare, Minister of State, Ministry of National Security and Justice of Jamaica	I

REMJA-II/INF.18/99 <i>MJ00081</i>	Creación de Centro de Estudios de Justicia de las Américas como aporte a una más sólida cooperación (Documento presentado por la Delegación de Chile)	E
REMJA-II/INF.19/99 <i>MJ00083</i>	Intervención del Sr. Ministro de Justicia de la Nación Argentina. Tema 1. "Acceso a la justicia". 1.1 Servicios de defensa y asistencia judicial. 1.2 Iniciativas para la protección jurídica de niños y jóvenes	E
REMJA-II/INF.20/99 <i>MJ00084</i>	Tema 1. "Acceso a la justicia". 1.1 Servicios de defensa y asistencia judicial. 1.2 Iniciativas para la protección jurídica de niños y jóvenes (Documento presentado por la Delegación de Argentina)	E
REMJA-II/INF.21/99 <i>MJ00085</i>	Intervención del Sr. Ministro de Justicia de la Nación Argentina. Tema 1 "Acceso a la justicia". 1.3 Incorporación de medios alternativos de resolución de conflictos en los sistemas nacionales de administración de justicia	E
REMJA-II/INF.22/99 <i>MJ00086</i>	Tema 1 "Acceso a la justicia". 1.3 Incorporación de medios alternativos de resolución de conflictos en los sistemas nacionales de administración de justicia (Documento presentado por la Delegación de Argentina)	E
REMJA-II/INF.23/99 <i>MJ00087</i>	Tema 4 "Fortalecimiento y desarrollo de la cooperación interamericana". 4.1 Combate al crimen organizado y la delincuencia transnacional, incluyendo el delito cibernético (Legislación interna, grado de vigencia e implementación de instrumentos internacionales sobre la materia, procedimientos, experiencias nacionales, etc.) (Documento presentado por la Delegación de Argentina)	E
REMJA-II/INF.24/99 <i>MJ00088</i>	Tema 2 "Formación de jueces, fiscales y funcionarios judiciales" 2.1 Experiencias adquiridas en la formación, perfeccionamiento, especialización y capacitación de los recursos humanos de los sistemas de justicia. 2.2 Mecanismos para promover la independencia de los jueces y la eficacia de los procuradores o fiscales	E

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REMJA-II/INF.27/99 <i>MJ00091</i>	Avances en acceso a la justicia (Documento presentado por la Delegación de Chile)	E
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REMJA-II/INF.29/99 <i>MJ00093</i>	Discurso pronunciado pelo Ministro de Estado da Justiça do Brasil, Renan Calheiros, sobre formação de juízes, promotores e funcionários do poder judiciário	P
REMJA-II/INF.30/99 <i>MJ00094</i>	Discurso pronunciado pelo Ministro de Estado da Justiça do Brasil, Renan Calheiros, sobre fortalecimiento e desenvolvimento da cooperação interamericana	P
REMJA-II/INF.31/99 <i>MJ00095</i>	Discurso pronunciado pelo Ministro de Estado da Justiça do Brasil, Renan Calheiros, sobre política carcerária e penitenciária	P
REMJA-II/INF.32/99 <i>MJ00099</i>	Palabras de la doctora Cecilia Sosa Gómez, Presidente de la Corte Suprema de Justicia de las República de Venezuela, como Presidente de la Organización de Cortes Supremas de las Américas	E
REMJA-II/INF.33/99 <i>MJ00100</i>	Consolidación de la reforma procesal penal en Chile (Documento presentado por la Delegación de Chile)	E
REMJA-II/INF.34/99 <i>MJ00102</i>	Palabras de la Delegación de la República Dominicana sobre política carcelaria y penitenciaria	E
REMJA-II/INF.35/99 <i>MJ00103</i>	Discurso del Viceministro de Justicia de Bolivia sobre democratización de la justicia	E

REMJA-II/INF.36/99 <i>MJ00104</i>	Introducción al tema “Los procesos de modernización de la política carcelaria y penitenciaria”, presentada por el Magistrado Procurador General de la República Dominicana	E
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REMJA-II/RES. 1/99 <i>MJ00113</i>	Agradecimiento al gobierno y pueblo de la República del Perú	E I F P
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MJ00096

Orden del día, miércoles 3 de marzo de 1999

E I F P