

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

REMJA VII

OEA/Ser.K/XXXIV.7.1
REMJA-VII/doc.6/08 rev. 1
30 April 2008
Original: Spanish

DOCUMENT ON THE REMJA PROCESS

“DOCUMENT OF WASHINGTON”*

* The Document on the REMJA Process (“Document of Washington”) was approved by consensus during the plenary session held on April 30, 2008, in the framework of the Seventh Meeting of Ministers of Justice or other Ministers or Attorneys General of the Americas (REMJA-VII) held at OAS Headquarters in Washington, D.C., United States, in compliance with Chapter X, No. 2, of the Conclusions and Recommendations of REMJA VI (REMJA-VI/doc. 21/06 rev. 1) and Resolutions AG/RES. 2228 (XXXVI-O/06) and AG/RES. 2266 (XXXVII-O/07) of the OAS General Assembly and CP/RES. 929 (1629/08) of the OAS Permanent Council.

DOCUMENT ON THE REMJA PROCESS

“DOCUMENT OF WASHINGTON”

I. SCOPE OF THE DOCUMENT

1. Scope of the Document. This Document (hereinafter, the “Document”) shall govern the REMJA process. To that end, it covers its name, composition and functions; structure and responsibilities; working groups and technical meetings; relations with OAS organs, agencies, entities, and mechanisms; relations with other cooperation processes; relations with the Justice Studies Center of the Americas (JSCA); Secretariat; and final provisions.

The REMJA will perform its functions in the framework of the purposes, principles, and other pertinent provisions of the Charter of the Organization of American States (OAS).

The provisions contained in the Rules of Procedure of the General Assembly and of the Permanent Council of the OAS shall apply, as appropriate and in that order, to any aspects not provided for in this document.

This Document shall be known as the “Document of Washington”.

II. NAME, COMPOSITION, AND FUNCTIONS OF THE REMJA

2. Name. For any and all purposes that might arise, the process to which this Document refers shall be called “Meeting of Ministers of Justice or other Ministers or Attorneys General of the Americas (REMJA).”
3. Composition. The REMJA shall be attended by the Ministers of Justice or other Ministers or Attorneys General of the member states of the OAS with responsibilities in the area of international legal cooperation, in particular criminal matters.

The delegations that attend the REMJA may also include representatives, advisers, and other members accredited by States.

States, through their Permanent Missions to the OAS, shall apprise the Secretariat in writing of the composition of their respective delegations, identifying the chief thereof.

4. Functions. The functions of the REMJA are as follows:
 - a) Act as a hemispheric forum for information and experience sharing, public policy coordination, and consolidation and strengthening of cooperation in the areas of responsibility of the authorities who participate in these meetings.
 - b) Formulate recommendations to the OAS member states in order to ensure that the public policies and cooperation measures they adopt in the areas of responsibility of the authorities who take part in the REMJA are increasingly effective, efficient, and expeditious.
 - c) Follow up on their recommendations and, to that end, and as necessary, assign specific mandates to working groups or technical meetings, which shall submit reports to the REMJA on progress in the pursuit of said mandates between its meetings.

- d) Continue to follow up and to authorize the furtherance of work under mandates currently in progress, which are the subject of recommendations from REMJA meetings held prior to the approval by REMJA of this document.
- e) Promote strengthening of coordination and cooperation between the REMJA and other OAS organs, agencies, entities and mechanisms and, to that end, formulate recommendations and follow up on them to the extent they deem appropriate.
- f) Promote and facilitate coordination and collaboration between the REMJA and other international cooperation processes in the areas of responsibility of authorities who take part in the REMJA.
- g) Discharge its duties in relation to the Justice Studies Center of the Americas (JSCA) in accordance with their respective statutes, rules of procedure, and provisions that reform, supplement, or develop them.
- h) Such other functions as may be necessary to improve and consolidate information and experience sharing, public policy coordination, and consolidation and strengthening of international cooperation in the areas of responsibility of the authorities who participate in the REMJA.

III. STRUCTURE AND RESPONSIBILITIES

5. Frequency, venue, and convocation of meetings. The REMJA shall be held biannually. The venue of the next REMJA shall be determined based on offers made by states at each REMJA.

Should the foregoing not occur, states may offer to host a REMJA by means of a written communication addressed to the Secretary General of the OAS, who would inform all of the member states through their Permanent Missions to the Organization.

If no offer to host one of these meetings is forthcoming, or if for any reason the meeting is unable to be held at the appointed place, it shall be held at the headquarters of the General Secretariat of the OAS.

The General Assembly or, failing that, the Permanent Council of the OAS shall adopt a resolution formally convening each REMJA, and shall set the date and, in the circumstances referred to in the two immediately preceding paragraphs, also the place of each meeting.

6. Chair and Vice Chair. Once a REMJA has been formally convened as provided in the last paragraph of the preceding provision, the state that is to host the meeting shall take up the Chair and convene the preparatory meetings referred to in provision 8 of this Document.

In the event that a REMJA is to be held at the headquarters of the General Secretariat of the OAS, the state that is the incumbent Chair shall remain as such and shall convene the preparatory meetings referred to in provision 8 of this Document. In such circumstances, the Chair of the REMJA shall be elected at the start of the respective meeting.

Also, the Vice Chair of the REMJA shall be elected at the start of the respective meeting. The Vice Chair shall replace the Chair in the event of any impediment thereto.

7. Functions of the Chair. The functions of the Chair are as follows:
- a) Represent the REMJA before the organs of the OAS and at meetings, acts, or ceremonies to which they are invited in that capacity.
 - b) Coordinate the preparation, proceedings, and follow up of the REMJA with the Secretariat.
 - c) Convene preparatory meetings and present to said meetings for consideration the draft agenda and documents of the REMJA, with technical support provided by the Secretariat.
 - d) Call sessions to order, adjourn sessions, and chair the proceedings.
 - e) Submit for consideration the items on the approved agenda for each REMJA.
 - f) Rule on points of order that may be raised in the course of the proceedings.
 - g) Submit for consideration any items under discussion that require a decision, in accordance with provision 10 of this Document, and announce the results.
 - h) Such other functions as this Document and the REMJA may confer on it in keeping with the nature of their responsibilities.

8. Preparatory Meetings. In keeping with provision 6 herein, preparatory meetings shall be called sufficiently in advance of the date each REMJA is to be held, so that the authorities of the REMJA may consider sending their representatives.

Preparatory meetings shall adopt the draft agenda, draft schedule and draft conclusions and recommendations of the respective REMJA. To that end, the deadlines for states, through their Permanent Missions to the OAS, to submit written proposals with respect to these documents will be adopted at the preparatory meetings

So long as it is possible and should it be necessary, the decision may be made to hold the last preparatory meeting on the day or days immediately before the start of the respective REMJA.

For the adoption of decisions at preparatory meetings, where pertinent, provisions 9 and 10 of this Document shall apply.

9. Quorum. The presence of one third of the member states of the Organization shall constitute the quorum necessary for the REMJA, its working groups, and technical meetings to meet in session.

The presence of the majority of the representatives of the OAS member states shall constitute the quorum necessary for the agreements referred to in the following provision.

10. Agreements. Agreements arrived at by the REMJA, its working groups and technical meetings, shall be termed recommendations and their nature will be as such.

As a general rule, "recommendations" and other documents considered at meetings shall be adopted by consensus. Should discrepancy arise on a given matter, the Chair shall interpose its good offices and take all the measures in its power to attain consensus. If no consensus is

reached and the Chair considers that this stage has been exhausted, the matter may be put to a vote. In the latter case, each delegation shall be entitled to one vote and the resulting decision shall be adopted by an absolute majority of votes of the delegations present.

The implementation of any recommendations that may result in expenses for the OAS shall be subject to the consideration of those expenses by the competent bodies of the OAS, in accordance with the provisions and procedures established in the framework of the Organization.

11. Participation of Permanent Observer States. Permanent Observer States to the OAS may participate in that capacity in the REMJA, for which purpose they shall provide information on the composition of their respective delegation in a written communication transmitted through the Secretariat.
12. Participation of OAS Organs, Agencies, Entities, Mechanisms and Working Groups. Any OAS organs, agencies, entities, mechanisms and working groups whose areas of responsibility are connected with the issues addressed by the REMJA may participate, as observers, in the REMJA.
13. Participation of International Agencies. Where relevant, the provisions contained in the Rules of Procedure of the General Assembly of the OAS shall apply for the participation of other international agencies in the REMJA.
14. Participation of Civil Society Organizations. Civil society organizations that are duly accredited pursuant to the “Guidelines for the Participation of Civil Society Organizations in OAS Activities” (CP/RES. 759(1217/99)) and the “Strategies for Increasing and Strengthening Participation by Civil Society Organizations in OAS Activities” (CP/RES. 840 (1361/03)), may participate, as observers, in the REMJA.

IV. WORKING GROUPS AND TECHNICAL MEETINGS

15. Working Groups. The REMJA may set up working groups to follow up on its recommendations.

At present, the following are working groups of the REMJA:

- a) The Working Group on Mutual Assistance in Criminal Matters and Extradition, which shall be composed of the central authorities and other government experts on international legal cooperation with direct responsibilities in the area of mutual legal assistance in criminal matters and extradition in the OAS member states.
- b) The Working Group on Cyber-crime, which shall be composed of governmental experts with responsibilities in this area or in the area of international cooperation for investigation and prosecution of cyber-crime in the member states of the Organization.
- c) The Working Group on Penitentiary and Prison Policies, which shall be composed of the authorities responsible for policies in this area in the OAS member states.
- d) The Working Group on Forensic Sciences, which shall be composed of the governmental experts with responsibilities in this area in the member countries of the Organization.

At the meeting where a working group is created and at each ensuing meeting for as long as it is deemed that said working group should continue its activities, the respective REMJA shall assign it specific mandates to pursue between that meeting and the following one, at which the working group in question shall submit a progress report on those mandates

The mandate of each working group shall expire when, in the opinion of the REMJA, it has fulfilled its purpose or whenever the REMJA deems it appropriate.

16. Functions of Working Groups. Working groups shall have the following functions:
- a) Consider and implement the mandates that they receive from the REMJA in their areas of competence.
 - b) Report to the REMJA on progress in the implementation of the mandates to which the preceding paragraph refers.
 - c) Act as a framework to facilitate information and experience sharing and to strengthen cooperation among the authorities that participate in working groups, on behalf of the member states of the Organization.
 - d) Consider and formulate for consideration by the REMJA, recommendations designed to improve and strengthen cooperation, in their areas of competence, among OAS member states
 - e) Consider and formulate for consideration by the REMJA, recommendations designed to promote or strengthen information sharing and cooperation with states that are nonmembers of the OAS or with other international cooperation organizations or mechanisms in the areas covered by their mandates.
 - f) Any other functions that the REMJA assigns to them in accordance with their areas of competence.
17. Frequency, venue, and convocation of meetings of working groups. Working groups shall meet at least once between each REMJA.
- Meetings of working groups shall be held at the headquarters of the General Secretariat of the OAS, unless a state offers to host a particular meeting.
- Meetings of working groups shall be formally convened by resolution of the Permanent Council of the OAS, which shall set the date and place thereof., in consultation with the Chair of the working group.
18. Chair and Vice Chair of Working Groups. Once a meeting of a working group has been formally convened, as provided in the last paragraph of the preceding provision, if said meeting is to be held at the headquarters of the General Secretariat of the OAS, the state that occupies the chair of the working group shall coordinate the preparations for the meeting with the support of the Secretariat. In such cases, the Chair shall be elected at the start of the respective meeting of the working group. In cases where there is a pre-existing decision identifying a Chair and Vice-Chair of a working group listed in paragraph 15, before the coming into effect of the structure proposed herein, the relevant working group shall give due consideration to this decision in electing its Chair and Vice-Chair.

In the event that the meeting of a working group is to be held away from the headquarters of the General Secretariat of the OAS, once the respective meeting has been convoked in accordance with the last paragraph of the preceding provision, the state that is to host the meeting shall chair the group and coordinate the preparations for the meeting with the support of the Secretariat.

When a working group is meeting for the first time, the Chair shall be elected at the meeting. In such cases, the respective REMJA shall decide which state would coordinate the preparations for said meeting with the support of the Secretariat.

The delegations of the states that come after the Chair in alphabetical order in Spanish, shall be the Vice Chairs *ex officio* of the respective working group and shall replace the Chair in the event of any impediment thereto.

19. Functions of the Chair of Working Groups. The Chair of each working group shall have the following functions:
- a) Coordinate the preparation and proceedings of working group meetings with the Secretariat, in accordance with the mandates assigned to the working group by the REMJA.
 - b) Report to the REMJA on progress in the mandates assigned by it to the working group.
 - c) Call sessions to order, adjourn sessions, and chair the proceedings at meetings of the working group.
 - d) Submit for consideration the items on the approved agenda for each meeting of the working group.
 - e) Rule on points of order that may be raised in the course of the proceedings.
 - f) Submit for consideration any items under discussion that require a decision, in accordance with provision 10 of this Document, and announce the results.
 - g) Such other functions as this Document and the REMJA may confer on it in keeping with the nature of their responsibilities.
20. Preparations for meetings of working groups. The Secretariat of the respective working group shall prepare a preliminary draft agenda, which it shall submit to the Chair for consideration and, in keeping with the instructions of the latter, distribute the respective draft agenda to the other delegations sufficiently in advance, stating the time limit for states to submit any observations or proposals that they may have in relation thereto. A revised version of the draft agenda that takes into account observations or proposals received in due time shall be prepared and presented for consideration at the beginning of the meeting.

Once the observations and proposals on the draft agenda have been received, should it be necessary, in the opinion of the Chair, to hold a preparatory meeting to consider said observations and proposals and agree on a revised version, then the Chair will convene such a meeting.

21. Technical Meetings. The REMJA may recommend that technical meetings be held to pursue specific mandates of its choosing.

The provisions set forth for working groups of the REMJA shall apply, as appropriate, to technical meetings.

The Chair of each working group may also convoke informal technical meetings, to which the Secretariat shall be invited. The latter will have presence and participation to the extent that its own or other resources may afford it.

The invitation, working documents and the results of these informal technical meetings must be communicated to the Secretariat for its later notification to the Governments through the Permanent Missions to the OAS or other manner that may be considered convenient.

At the request of the Chair that convoked the informal technical meeting, any document resulting from it will be published on the REMJA Webpage and, when appropriate, distributed through the electronic network administered by the OAS. Nevertheless, these will not be official documents until they are adopted during an official meeting of said working group.

22. Adherence to provisions established for the REMJA. In matters for which no provision is made in this chapter, working groups and technical meetings shall adhere, as appropriate, to the provisions set forth for the REMJA.

V. RELATIONS WITH OAS ORGANS, AGENCIES, ENTITIES, AND MECHANISMS

23. Relations with OAS Organs, Agencies, Entities, and Mechanisms. The REMJA shall consider and formulate such recommendations as it deems appropriate to consolidate and strengthen coordination, information exchange, and cooperation with OAS organs, agencies, entities, and mechanisms in areas of common interest, as well as to avoid duplication of efforts in connection with those areas.

VI. RELATIONS WITH OTHER COOPERATION PROCESSES

24. Relations with other cooperation processes. The REMJA shall consider and formulate such recommendations as it deems appropriate to consolidate and strengthen coordination, information exchange, and cooperation on matters of their concern with other cooperation processes, such as those developed between judicial authorities, as well as those that take place at the sub-regional level, or in the framework of other international organizations.

VII. RELATIONS WITH THE JUSTICE STUDIES CENTER OF THE AMERICAS (JSCA)

25. Relations with the Justice Studies Center of the Americas (JSCA). Relations between the REMJA and the Justice Studies Center of the Americas (JSCA) shall be governed by the provisions contained in its Statutes (AG/RES. 1 (XXVI-E/99), Rules of Procedure, and provisions that reform, supplement, or develop them.

VIII. SECRETARIAT

26. Secretariat. The General Secretariat of the OAS shall provide administrative and technical secretariat services to the REMJA, its working groups and technical meetings.

As a result, in matters regarding its technical and administrative personnel, as well as its structure and responsibilities, the Secretariat shall adhere to the provisions in the OAS Charter, the General Standards to Govern the Operations of the General Secretariat of the OAS approved by its General Assembly, and the decisions that the Secretary General may adopt in developing said General Standards.

27. Functions of Secretariat. The Secretariat shall have the following functions:

- a) Provide advice to the respective chairs on the preparation and proceedings of the REMJA, its working groups and technical meetings.
- b) Prepare the draft agendas for the REMJA, those of its working groups and its technical meetings, in consultation with its respective chairs and in keeping with their instructions, distribute them to the delegations through the Permanent Missions to the Organization.
- c) Coordinate the organizational and administrative aspects of the REMJA, its working groups and technical meetings, to which end, when a state offers to host any of these meetings, the Secretariat shall enter into an agreement with it, the negotiation and signing of which shall be coordinated through the state's permanent mission to the OAS.
- d) Supply secretariat services to the REMJA, its working groups and technical meetings, assist them in the preparation and consideration of the respective draft recommendations, and certify, classify, translate, distribute to the delegations, and, as appropriate, disseminate via the Internet and by any other means the official texts of documents submitted, considered, and adopted in the framework of such meetings.
- e) Prepare summary reports on the REMJA, its working groups and technical meetings, distribute them to the delegations, and maintain the record of all the documents connected with such meetings.
- f) Act as the central coordination and contact point for transmission and receipt of documents and communications among the authorities that take part in the REMJA, its working groups and technical meetings, with respect to all matters relating to their structure, responsibilities, and implementation of their respective recommendations.
- g) Promote, organize, and coordinate programs, projects, and activities to facilitate and strengthen information exchange, training, and technical cooperation in pursuit of the recommendations of the REMJA, its working groups and technical meetings. For that purpose, it shall sign the relevant agreements with states, international organizations, and agencies that contribute to their financing, and with the states where they would be carried out, in accordance with the provisions in force on such matters in the framework of the OAS.
- h) Manage and maintain existing networks, in coordination with the working groups, in their various components, for dissemination and exchange of information on mutual assistance in criminal matters and extradition, cyber crime, and penitentiary and prison policies, along with any created in the framework of the REMJA, and supply training and

technical assistance services in order to facilitate the participation of authorities in said networks, to which end, the necessary agreements would be signed with states or institutions thereof. The Secretariat shall also act as the central coordination and contact point for transmission and receipt of documents and communications among the authorities that are part of the aforesaid networks, with respect to all matters relating to their structure, maintenance and responsibilities.

- i) Keep a register of authorities or contact points that participate in the REMJA, its working groups and technical meetings, as well as in the information networks in place in this framework, in accordance with information furnished by states in that respect.
 - j) Prepare documents or studies to support follow-up or implementation of the recommendations of the REMJA, its working groups or technical meetings, to which end, states shall supply such information as is requested of them whenever necessary for such purposes.
 - k) Promote and take the steps necessary to institute or strengthen coordination and collaboration with secretariats of other international cooperation agencies, entities, or mechanisms in areas that concern the REMJA, its working groups and technical meetings.
 - l) Submit such reports as may be required by the OAS General Assembly, the Permanent Council, or its Permanent Committees, in the framework of its functions as technical and administrative secretariat of the REMJA.
 - m) Participate in the search for financial resources, internal and external, for the financing of the activities of the REMJA, its working groups and its technical meetings.
 - n) Any other appropriate functions as technical and administrative secretariat of the REMJA, its working groups, technical meetings, and information networks, in order to enable them to function adequately.
28. Communication and Coordination between States and the Secretariat. Communications and coordination between the secretariat and state authorities in connection with all matters concerning the preparation, proceedings, and follow up of the REMJA, its working groups and technical meetings, as well as matters that pertain to implementation of its recommendations, information networks, and training and technical cooperation programs, projects, and activities, shall be channeled through the Permanent Missions to the OAS.

IX. FINAL PROVISIONS

29. Amendment of this Document. This Document shall govern the REMJA once it is adopted by the respective meeting thereof and may be amended thereby. To that end, pursuant to provision 10, the endeavor shall be made to ensure that the respective agreement is adopted by consensus, to which end the number of delegations present must be equal to or greater than two thirds of the member states of the Organization. In the case of a vote, to be carried, a motion shall require the vote in favor of two thirds of the OAS member states.
30. Distribution and publication. The Secretariat shall distribute this document to all the delegations and shall publish Spanish, English, French, and Portuguese versions thereof on its web page.