

Declaration of support for the creation of a Latin American and Caribbean Criminal Criminal Court Against Transnational Organized Crime (COPLA Coalition)

GIVEN

The Treaty of Asunción, the Protocol of Ouro Preto and the Constitutive Protocol of the Parliament of MERCOSUR and

WHEREAS

The phenomenon of globalization brings with it a new concept of crime, more focused on elements which were often left unidentified; notably, the “organization” which is manifested through the idea of “organized crime”.

Latin America has become the region with the highest levels of criminal violence in the world. Criminal organizations dedicated to drug and people trafficking, money laundering and other transnational crimes have escaped the prosecution of national institutions by reaching a regional dimension. The States find it extremely difficult, if not impossible, to face these problems by enforcing the current ineffective criminal policy. There are many factors which contribute to the ineffectiveness of criminal policies: these organizations operate beyond the state border, thus rendering it impossible for the State to use its forces; the lack of resources needed to put the policies into effect; and the corruption of important authorities which should be working towards the prevention of these crimes and their punishment (border control, police force, judicial system, penitentiary system, etc.). All these aspects make criminal policies nothing more than a symbolic figure within the affected countries. Unfortunately, criminals are the only ones who have understood the global nature of the world nowadays, and they use that to their greatest advantage by structuring their own organizations beyond national boundaries. International networks which hide fugitives, global cooperation systems among criminal organizations, and worldwide exchange of information and arms by interconnected mafias are only some of the strategies which erode the effectiveness of national systems of prosecution of organized crime. The ineffectiveness of law enforcements, prosecuting attorneys and national courts, and the progressive co-opting of the justice system and these mafias are hindering the democratic powers of Latin American countries and undermining the citizens’ confidence in Republican institutions, which leads them to opt for authoritarian political parties. Should Latin America successfully face these regional problems, the region would be one step closer to autonomy which is a valuable demonstration of the capacity of integration. Furthermore, it would provide solutions to particular challenges that most citizens tackle on an everyday basis, especially in the most vulnerable sectors of society. These regional problems require regional solutions: the criminal policies must have the same scope as the criminal organization phenomenon it is trying to defeat.

In order to face crimes on a regional level, Latin America needs a regional strategy which takes into account the regional integration necessary in order to ultimately solve all the other problems that the countries in the region face. The adhesion of the countries represented by the Parliament in the International Criminal Court and the Rome Statute of the International Criminal Court as well as our commitment with human rights and international law expressed constitutionally in various international agreements, such as the Pact of San José de Costa Rica and the Palermo Protocol in the United Nations, are important steps in the battle against the growing organized crime groups in our countries which leave increasingly more devastating consequences in the citizens’ safety.

A Latin American and Caribbean Criminal Court Against Transnational Organized Crime (COPLA, for its acronym in Spanish) would be an effective criminal policy in the prosecution of criminal groups, the confiscation of their assets and the dismantling of their organizations.

That COPLA would aim to prevent, prosecute and penalize the transnational organized crimes through a Criminal Court which would simultaneously promote public security policies on a regional scale. As such, COPLA would have the following characteristics: A) Internationally prosecute key members of criminal groups which usually go unpunished and/or are protected by national judicial and political networks of complicity. B) Confiscate the assets from said criminal groups. As a regional institution against organized crime, COPLA could: A) Supervise the situation in the Latin American and Caribbean region. B) Improve national criminal legislation. C) Promote cooperation of judicial systems and law enforcements between member countries. D) Offer protection programs to the witnesses testifying against crimes and to the thousands of volunteers who actively participate in the fight against organized crime and its consequences.

COPLA is based on the United Nations Convention against Transnational Organized Crime and the Protocols, documents which have been signed by all the States that constitute it; thus, abiding by and continually working on the prevention and penalization of transnational organized crime stipulated in said rules.

In the year 2015, the aforementioned project has been unanimously declared of interest by the Senate of the Republic of Argentina, in agreement with Res. N° 2851/14.

In the Constitutive Protocol of December 9th, 2005 and the Asuncion Protocol on the Commitment to Promote and Protect Human Rights of MERCOSUR dated June 19th, 2005 it is declared that the Parliament of the MERSOCUR's main task is to protect the human rights of the citizens of MERCOSUR.

THE PARLIAMENT OF MERCOSUR

DECLARES:

Section 1: It is in the interest of the present document to establish a Latin American and Caribbean Criminal Court Against Transnational Organized Crime (COPLA) by means of an international treaty to which all the countries of the region that wish to do so may adhere.

Section 1: To support the campaign in favor of the creation of COPLA, carried out by various Latin American civil society organizations.

[Signatures:] María Luisa Storani, Lilia Puig de Stubrin, Norma Aguirre, Gabriel Fidel, Daniel Ramundo, Marcela Crabbe, Humberto Benedetto, Osvaldo Mércuri, Claudio Ariel Romero.