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COPLA Update
Regional governments agree to
study proposed criminal court
by Florencia Gor

The campaign for the establishment of a Latin American and Caribbean Criminal Court against Transnational Organized Crime (known as COPLA, its Spanish acronym) continues to make steady progress. The proposal has garnered more than 3000 signatories and endorsements from 40 institutions from around the world.

On June 8 of this year, Justice Ministers and Ministers of the Interior and Security of MERCOSUR adopted a declaration that commits their governments to formally study the feasibility of such a regional court.

MERCOSUR is an economic and political bloc comprising Argentina, Brazil, Paraguay, Uruguay, and Venezuela (although Venezuela is presently suspended), plus a number of associate members from other parts of Latin America. Governments whose Ministers joined the June 8 declaration include Argentina, Bolivia, Brazil, Chile, Colombia, Paraguay, Peru and Uruguay. The signing of the joint declaration took place at a meeting in Paraguay.

Organized criminal violence is the greatest threat to human security for citizens in many Latin American and Caribbean states. The region's homicide rate of approximately 24 per 100,000 population is four times the global average. The region includes only 9% of the world's population but accounts for one third of its murders.

The envisioned Court, based mainly on the 2000 United Nations Convention against Transnational Organized Crime (Palermo Convention) and its three supplementary Protocols, would prosecute the leaders of criminal organizations. The tribunal would be complementary with domestic law and would initially have jurisdiction over seven core crimes, including drugs and human trafficking, money laundering and transnational bribery. The proposed COPLA also includes a regional agency to coordinate intelligence efforts, share information among national prosecutors' offices, protect witnesses and harmonize legislation among the member countries.

Some other recent and upcoming developments:

In Argentina, home of the COPLA campaign headquarters, there is a particular focus this year on the “federalization” of the campaign. In collaboration with the COPLA Unit under the Department of Regional and International Cooperation of the Argentine Ministry of Security, events are being organized in universities from different provinces to present the draft statute. The first one was held last May in Santa Fe.

In Panama, the Argentine MP Eduardo Cáceres introduced COPLA to the Working Group on Security, Organized and Transnational Crime and Terrorism of the Euro-Latin American Parliamentary Assembly, receiving wide support among several regional parliamentarians.

Previous unanimous declarations of support by both Chambers of the Argentine Parliament and the recent declaration from several Ministers of MERCOSUR nations have contributed to the establishment of a COPLA Unit in the Ministry of Justice and Human Rights. This, combined with a steady growth in civil society support, will help ensure that the campaign garners the full commitment of other governments in the region.

A July 16 to 18 conference in Montreal, Canada – organized by the International Society for the Reform of Criminal Law – will also host discussions of the COPLA and its draft statute. Speakers at the COPLA workshop will include Prof. Sara Wharton (University of Windsor, Canada), Prof. Robert Currie (Dalhousie University, Canada), Prof. Luz Nagle (Stetson University, United States) and Octavio Sillitti (Ministry of Justice and Human Rights, Argentina).