

ARGENTINA

[Original: English]

Argentine national legislation on the Implementation of the Rome Statute (Article 28 of Law N° 26.200) establishes that when the Argentine Republic proposes candidates for the elections of judges of the International Criminal Court, they will be appointed through the procedure regulated in article 99, paragraph 4, of the National Constitution, to the appointment of the judges of the Supreme Court of Justice of the Nation. This last article establishes that the President of the Nation appoints the judges of the Supreme Court with the agreement of the Senate by two thirds of its members present in a public session, called for that purpose.

Additionally, Decree 222/2003 establishes that this faculty that the Constitution confers on the President of the Nation will be exercised according to the following procedure, whose application authority is the Ministry of Justice and Human Rights of the Nation:

The name and the curricular background of the person or persons considered for the position will be published in the Official Gazette and in at least 2 newspapers of national circulation, during 3 days. Simultaneously with such publication, that information will be disseminated on the official website of the Ministry of Justice and Human Rights of the Nation.

The persons included in the aforementioned publication must present a sworn statement with a list of all their own assets, those of their spouse and/or those of the live –in partner, which constitute the assets of the marital partnership and those of their minor children, in the terms and conditions established in the article 6 of the Public Function Ethics Law N° 25.188 and its regulations.

In addition, they must attach another statement in which they will include a list of civil associations and commercial companies of which they are or were part in the last 8 years, the law firms to which they belong or belonged, a list of clients or contractors of at least the last 8 years, within the framework of what is allowed by current professional ethics norms, and in general, any type of commitment that may affect the impartiality of their criteria for their own activities, activities of their spouse, their ancestors and their descendants in first degree, in order to allow an objective evaluation of the existence of incompatibilities or conflicts of interest.

Also, citizens in general, non-governmental organizations, professional colleges and associations, academic and human rights entities, may within 15 days from the last publication in the Official Gazette, submit to the Ministry of Justice and Human rights of the Nation, in writing and in a founded and documented manner, the positions, observations and circumstances that they consider of interest to express regarding those included in the pre-selection process, with a sworn statement regarding their own objectivity regarding the proposed. Irrelevant objections from the perspective of the purpose of the procedure or that are based on any type of discrimination will not be considered.

Regardless of the presentations, in the same period of time, opinion may be requested from relevant organizations in the professional, judicial, academic, social, political and human rights fields for the purposes of their assessment.

A report regarding compliance with tax obligations of the eventually proposed persons will be required, preserving fiscal secrecy, to the Federal Public Revenue Administration.

In a period that must not exceed 15 days from the expiration of the period established for the presentation of the positions or observations, the National Executive Power will dispose on the elevation or not of the respective proposal, making merit of the reasons of the decision taken.

In case of a positive decision, the respective appointment with everything acted, will be sent to the Honorable Senate of the Nation, for the purposes of the agreement.