

DIRECTORATE FOR FINANCIAL AND ENTERPRISE AFFAIRS**WORKING GROUP ON BRIBERY IN INTERNATIONAL BUSINESS TRANSACTIONS****Phase 3bis evaluation of Argentina: Additional written follow-up report**

13-14 June 2023, Paris, France

This report was submitted by Argentina for the June 2023 plenary meeting of the Working Group on Bribery in International Business Transactions. It does not reflect the views or opinions of the Working Group on Bribery.

For further information, please contact:

William Loo, +33 1 45 24 94 44, william.loo@oecd.org

Vitor Geromel, +33 1 85 55 47 78, vitor.geromel@oecd.org

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PHASE 3BIS EVALUATION OF ARGENTINA: ADDITIONAL FOLLOW-UP REPORT

Instructions

In June 2022, the Working Group on Bribery invited Argentina to report back in writing in one year (i.e. June 2023) on its implementation of Phase 3bis Recommendations 5(c), 5(d), 5(e), 5(f), 6(e), and enforcement actions. Further details concerning the written follow-up process is in the Phase 3 Evaluation Procedure [DAF/INV/BR(2008)25/FINAL, part C(2)].

This document gathers information requested by the Working Group. Please complete this document and return it to the OECD Secretariat.

Name of country:	Argentina
Date of approval of Phase 3bis evaluation report:	16 March 2017
Date of approval of Phase 3bis Two-Year Written Follow-up Report	26 June 2019
Date of information in this report:.....	9 May 2023

Part I. Report on selected outstanding Phase 3bis recommendations

Recommendation 5(c):

5. Regarding **investigations and prosecutions**, the Working Group recommends that Argentina:

(c) take steps to ensure that prosecutors and judges in economic crime cases act promptly and proactively without delay.

Public Prosecutor’s Office (PPO)

The Specialized Prosecutor’s Office on Economic Crimes and Asset Laundering (PROCELAC), through its specific operational division specialized in foreign bribery (Anti-Corruption Division), continued to address cases of foreign bribery and other economic crimes, by assisting prosecutors in ongoing cases and developing strategies to strengthen the effectiveness of investigations and prosecutions of this crime. Through collaborations with prosecutors, PROCELAC promotes effectiveness and speed in investigations by providing its tools, knowledge, and experience.

Since the previous submission of the Additional Follow-up Report (2022), the Anti-Corruption Division has developed the *Guidelines for the Investigation of Foreign Bribery*, which is in the final stages of approval. The Guide is based on PPO’s recent practical experience in detecting

and investigating this crime. It reflects international guidelines and standards in the matter and the PPO's priorities. Specifically, as a result of PROCELAC's active participation in the WGB meetings aimed at drafting the *"2021 Recommendation of the OECD Council for Further Combating Bribery of Foreign Public Officials in International Business Transactions"*, the Guidelines include the recommendations and standards promoted by the OECD and aim to be a concrete contribution for awareness-raising and training within the PPO and the rest of the public sector to prevent and detect international bribery, as well as for the prompt and efficient investigation of cases.

The PPO has made progress in its work related to the criminal liability of legal entities. In this context, it was created a joint specialized task force composed of officials from the Prosecution Office for Administrative Investigations (PIA) -which is the specialized prosecutorial office focused on domestic corruption- and PROCELAC. This specialized task force aims to work together and maximize efficiency in resource management, given that both Offices have jurisdiction over the application of Law no. 27,401 on corporate criminal liability in cases of domestic and transnational corruption. Accordingly, the task force develops a joint intervention in cases of domestic and international corruption in which Law no. 27,401 is applied, as well as it provides technical specialization to officials through training on the subject.

As concerns specific activities carried out by PROCELAC and PIA joint task force, it has begun to collaborate coordinately in a case where the aforementioned law is applicable. Additionally, the group participated in organizing the conference on corporate criminal liability *"Updates in the application of Law no 27,401. RITE, cases, and the impact of the first agreement,"* which focused on the RITE (the Registry of Integrity and Transparency for Companies and Entities), a platform promoted by the Anti-Corruption Office with the support of the World Bank, IDB and UNDP, to contribute to the development and improvement of integrity programs, the exchange of best practices and the promotion of transparent environments in business and markets.

The PPO has strengthened its efforts to assess the status of requests for active international legal assistance in cases of foreign bribery, on the basis of the information provided by the prosecutors. To this end, the Anti-Corruption Division has developed a registry of pending requests, which is regularly cross-referenced with data obtained from the PPO's General Directorate of Regional and International Cooperation. This collaborative effort ensures that the information remains updated.

The Anti-Corruption Division regularly monitors the developments of cases to ensure that cases' database remains updated and explore new measures for gathering evidence through requests for information from prosecutors' offices. To further enhance the accuracy of this information, within the framework of the several measures agreed by the relevant agencies for implementing Phase 3 BIS recommendations under the coordination of the Office of the Legal Adviser (see below), PROCELAC has developed regular meetings with the Board of Auditors of the Judicial Council, which receives information from the Courts. The aim of this mechanism is to complement and enhance the data held by each institution, while it also allows maintaining a robust system of registration and statistical analysis for cases involving foreign bribery. Such a system enables to consolidate a list on pending MLA requests in foreign bribery cases, which is further put forward to the Directorate of International Legal Assistance with the aim of devising a strategy to speed up the execution of such requests.

Ministry of Foreign Affairs – Directorate of International Legal Assistance (DAJIN).

The Ministry of Foreign Affairs, through its Directorate of International Legal Assistance, who is the Central Authority for mutual legal assistance requests, has promoted the following initiatives, which look forward to ensuring that international legal assistance be proactively and promptly executed without undue delay:

- Creation of a Latin American Central Authorities Network. This mechanism brings together about majority of Latin American Central Authorities establishing an expedite channel of communication aimed at streamlining legal cooperation. Challenges on MLA requests concerning foreign bribery cases are expected to be specifically addressed by this network, among other topics related to international legal cooperation.
- Promotion and facilitation of Joint Investigation Teams Agreements (especially in organized and economic crimes cases).
- Conclusion of the first international agreement on asset recovery in a money laundering case.
- Internal classification of MLA requests' urgency. The Directorate has developed an internal system that classifies MLA requests' in accordance with their urgency so as to ensure that urgent requests are prioritized and promptly resolved. Within this

categorization, MLA requests related to foreign bribery, domestic bribery and corruption have been classified as urgent.

Furthermore, the Directorate of International Legal Assistance has been implementing a federal plan for providing trainings to judges and prosecutors from the Argentine Provinces. Within this framework, during the period under consideration, trainings have been provided in Bariloche and Santa fe, as well as it is scheduled to hold these trainings in the Provinces of La Pampa and Formosa. These trainings focus on best practices to ensure and ease mutual legal assistance requests, and they contemplate a section on foreign bribery and the WGB recommendations.

In the same vein, in November 2022, the Directorate organized the IX International Legal Cooperation Seminar, which included a specific panel concerning the relevance of legal cooperation in foreign bribery cases.

Ministry of Foreign Affairs – Office of the Legal Adviser.

The Ministry of Foreign Affairs through the Office of the Legal Adviser promotes different initiatives aimed at disseminating and raising awareness of the Convention, the 2021 Recommendations and the Argentine Examinations so that such standards and recommendations be duly complied and implemented by competent authorities.

In accordance with this general principle, the Office of the Legal Adviser agreed with relevant agencies several initiatives to comply with Phase 3BIS Recommendations. It is noted that most of the recommendations under examination in this Evaluation may fall under the competence of other powers of the State different to the Executive Branch. As a consequence, several proposals drafted by the Ministry of Foreign Affairs were only suggestions that had to be considered by the competent authorities.

Accordingly, as per Recommendation 5(c) while also respecting judicial independence, the Office of the Legal Adviser held meetings with authorities from the Judicial Power responsible for federal cases, which include the crime of foreign bribery. In fact, a first meeting was held with the President and a Judge from the National Appellate Court in Federal Criminal Matters (Cámara Nacional de Apelaciones en lo Criminal y Correccional Federal). A second meeting was held with the President and Vice-President from the Federal Criminal Cassation Court

(Cámara Federal de Casación Penal). It is worth mentioning that majority of currently ongoing foreign bribery cases fall under the jurisdiction of these Higher Courts.

In these meetings, the officers from the Legal Adviser Office provided a first approach to the Anti-Bribery Convention and the 2021 Recommendations. It was specially addressed the scope and extent of evaluations within the WGB, focusing on Phase 3 BIS recommendations. In this sense, it was mentioned the WGB recommendation that refers to the need to ensure that Courts be provided with adequate resources to investigate and deal with foreign bribery cases so as to promote that cases be resolved promptly without undue delay.

On the other hand, the Office of the Legal Adviser also sought to address the comments made by the lead examiners in 2022, concerning how Argentina handles pending MLA requests. Accordingly, the Office of the Legal Adviser coordinated a work performed by PROCELAC, the Judicial Council Board of Auditors and DAJIN, in accordance with each agency's competences. PROCELAC and the Board of Auditors compiled an exhaustive list of those cases in which MLA requests had been issued and responses were still pending. In a second stage, such report was forwarded to DAJIN, which started a process of contacting the Central Authorities of requested countries to prompt responses to those MLAs or address the issues that could lead to a delay or lack of response.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Recommendation 5(d):

5. Regarding **investigations and prosecutions**, the Working Group recommends that Argentina: (d) promptly implement the CPC 2014, and ensure that the law effectively reduces delay in practice (Convention Article 5 and Commentary 27; 2009 Recommendation Annex I.D);

Ministry of Justice and Human Rights.

In December 2014, the Congress passed the Federal Criminal Procedure Code (CPP) through Law No. 27,063.¹ Such Law, in its article 3, established that the CPP would enter into force at the time indicated by an Implementation Law to be passed subsequently. Thus, it was expected that the CPP implementation started with a first stage of regulatory nature.

Accordingly, in 2015, No. 27,150² set forth several mechanisms to implement the criminal procedure system at federal level. Simultaneously, it was also necessary to modify other regulations to make the functioning of the new prosecution and trial model possible. In this way, in June 2015 there were passed Law No. 27,146³ on the Organization and Competence of Federal and National Criminal Justice, Law No. 27,148⁴ on the Organization of the Public Prosecutor Office of the Nation; and Law No. 27,149⁵ on the Organization of the Office of the Public Defender.

Through these regulations, it had been established that the CPP would have entered into force progressively, starting first in the Autonomous City of Buenos Aires. However, in December 2015, Decree No. 257/15 was adopted,⁶ which ordered the suspension of the implementation of the CPP and Article 2 of Law No. 27,150, which modified the schedule set forth therein.

In the following years, various assessments were conducted on the situation of the federal jurisdictions of the country, which led to pass Law No. 27,272⁷ (2016) amending the CPP. Additionally, it was also adopted Law No. 27,482,⁸ promulgated on January 7, 2019, which amended the following laws: Law No. 27,063, Law No. 27,146 and Law No. 27,150.

As a result of this first stage of regulatory activity in which new procedures were incorporated, the final version of the CPP was approved through Decree No. 118⁹ dated February 7, 2019 (B.O. 8-2-19) and called "Federal Criminal Procedure Code (T.O. 2019)". Thus, it was not until 2019 that the regulatory stage of the CPP concluded so that the implementation could start.

¹ <http://servicios.infoleg.gob.ar/infolegInternet/anexos/235000-239999/239340/norma.htm>

² <http://servicios.infoleg.gob.ar/infolegInternet/anexos/245000-249999/248181/norma.htm>

³ <http://servicios.infoleg.gob.ar/infolegInternet/anexos/245000-249999/248174/texact.htm>

⁴ <http://servicios.infoleg.gob.ar/infolegInternet/anexos/245000-249999/248194/texact.htm>

⁵ <http://servicios.infoleg.gob.ar/infolegInternet/anexos/245000-249999/248189/texact.htm>

⁶ <http://servicios.infoleg.gob.ar/infolegInternet/anexos/255000-259999/257347/norma.htm>

⁷ <http://servicios.infoleg.gob.ar/infolegInternet/anexos/265000-269999/268408/norma.htm>

⁸ <https://www.boletinoficial.gob.ar/detalleAviso/primera/199597/20190107?busqueda=1>

⁹ <https://www.argentina.gob.ar/normativa/nacional/decreto-118-2019-319681/texto>

With regard specifically to the implementation process of the CPP, it is important to note that Article 7 of Law No. 27,063 created the Bicameral Commission for Monitoring and Implementing the Federal Criminal Procedure Code within the Congress (Legislative Power). The Bicameral Commission bears the responsibility of evaluating, controlling and proposing, during the period required for the CPP implementation stipulated in article 3 thereof, the bills necessary for adapting the current legislation to the CPP, as well as any other legislative amendment and adaptation necessary for better implementing the new Code.

On March 26, 2019, the Bicameral Commission met for the first time and passed Act No. 15/2019,¹⁰ which approved to start implementing¹⁰ the CPP from June 10, in the jurisdiction of the Federal Court of Appeals of Salta, which includes the provinces of Salta and Jujuy.

Subsequently, on June 3, 2019, the Bicameral Commission issued Resolution No. 1/2019¹¹, which established the administrative structures of the Federal Criminal Trial Courts No. 1 and No. 2 of Salta and the Trial Criminal Court Federal of Jujuy.

Then, on November 13, 2019 the Bicameral Commission adopted, adopted Resolution No. 2/2019¹²(B.O. 19-11-19), which implemented articles 19 (general principles of the decision), 21 (right to appeal), 22 (non-trial resolutions), 31 (opportunity criteria), 34 (conciliation criteria), 54 (attributions of judges with appealing functions), 80 (victims' rights), 81 (technical assistance), 210 (application of enforcement measures), 221 (criteria to assess the risk of fleeing) and 222 (criteria to assess the risk of hindering the investigation) of the CPP for all courts with jurisdiction over criminal matters in all federal jurisdictions of Argentina as well as courts of the National Criminal Justice (as long as the CPP remains applicable to these courts).

Resolution no. 2/2019 also set forth the commencement of the process of territorial implementation of the CPP in the jurisdictions of the Federal Court of Appeals of Mendoza (which includes the provinces of Mendoza, San Juan and San Luis) and the Federal Court of Appeals of Rosario (province of Santa Fe and a sector of the Province of Buenos Aires), in accordance with the implementation schedule to be adopted by the Bicameral Commission in coordination with the

¹⁰ <https://www.boletinoficial.gob.ar/detalleAviso/primera/205143/20190410?busqueda=1>

¹¹ <https://www.boletinoficial.gob.ar/detalleAviso/primera/209164/20190606>

¹² <https://www.argentina.gob.ar/normativa/nacional/resoluci%C3%B3n-2-2019-331847/texto>

Ministry of Justice and Human Rights, the Judicial Council, the Public Prosecutor's Office and the Office of the National General Defender.

However, the implementation program established by the Bicameral Commission was naturally affected by the worldwide COVID-19 sanitary crisis.¹³ Indeed, through Decree No. 260/20,¹⁴ the National Executive Power declared a public emergency in health matters for a period of one year. This measure was extended twice in 2021 (cf. Decree No. 167/2021¹⁵ and No. 867/2021¹⁶) and once in 2022 until December 31, 2023 (cf. Decree No. 863/2022¹⁷).

Then, Decree No. 297/2020¹⁸ established the measure of social, preventive and mandatory isolation (lockdown) for all people who inhabited the country or were temporarily in Argentina. This meant that people were obligated to remain in their residences, refrain from going to their workplaces and move along routes, roads and public spaces.

As concerns the performance of the judicial system, the Supreme Court of Justice of the Nation issued Decision (Acordada) 6/2020¹⁹, on March 20, 2020, ordering a mandatory extraordinary judicial recess for all federal and national courts in the country. Only from July 29, 2020, the Supreme Court started to issue new Decisions lifting the extraordinary recess in different jurisdictions (cf. Agreement 29/2020²⁰, Agreement 30/2020²¹, Agreement 31/2020²²).

Nevertheless, in all of these cases, the Court maintained the provisions of Decision 25/2020²³, regarding the preference for using digital tools, remote work, limited in-person assistance for public and the obligation for all judicial employees to comply with regulations on prevention, hygiene and

¹³ <https://www.who.int/es/director-general/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020>

¹⁴ <https://www.argentina.gob.ar/normativa/nacional/decreto-260-2020-335423/texto>

¹⁵ <https://www.boletinoficial.gob.ar/detalleAviso/primera/5272000/20210311?suplemento=1>

¹⁶ <https://www.boletinoficial.gob.ar/detalleAviso/primera/255070/20211224>

¹⁷ <https://www.argentina.gob.ar/normativa/nacional/decreto-863-2022-377442/texto>

¹⁸ <https://www.boletinoficial.gob.ar/detalleAviso/primera/227042/20200320>

¹⁹ <https://www.argentina.gob.ar/normativa/nacional/acordada-6-2020-335893/texto>

²⁰ <https://www.argentina.gob.ar/normativa/nacional/acordada-29-2020-340338/texto>

²¹ <https://www.argentina.gob.ar/normativa/nacional/acordada-30-2020-340454/texto>

²² <https://www.argentina.gob.ar/normativa/nacional/acordada-31-2020-340455/texto>

²³ <https://www.argentina.gob.ar/normativa/nacional/acordada-25-2020-339482/texto>

mobility. Only in October 2021, the Supreme Court issued Decision 24/2021²⁴, which required all judicial personnel to attend their workplaces in person.

The Office of the Public Defender (DGN) also joined the extraordinary suspension (cf. Resolution DGN 49/2020²⁵). Similarly, the Public Prosecutor's Office resolved, through Resolution PGN 23/2020,²⁶ to exempt its members from going to their workplaces.

The described context significantly conditioned the implementation process of the new Code in the jurisdictions of the Federal Courts of Appeals of Mendoza and Rosario.

The health emergency had an impact on the functioning of the justice administration system at all levels. In the same way, the COVID-19 pandemic logically prevented the normal development and implementation of the adversarial criminal procedure system, which requires the acquisition and readjustment of building spaces, the purchase of computer infrastructure and the improvement of all services, implementation of interconnectivity between the different management systems, inter-institutional coordination between the different state actors involved in criminal proceedings, the training of justice administration system operators –especially those linked to training in litigation skills–, among others things.

In addition to the aforementioned situation and necessities, it should be mentioned the importance of evaluating and controlling the entire process that puts into operation a new model of administration of the criminal justice service at federal level. The progressive implementation mechanism set by Argentine legislation is intended to ensure that the monitoring carried out by the Bicameral Commission for Monitoring and Implementing the CPP has the capacity to measure the needs and challenges of each jurisdiction according to the experiences gathered in the previous stages of the implementation process.

As a consequence, alternative ways had to be found to continue the implementation. In this sense, the Bicameral Commission promoted the CPP implementation by adopting Resolutions that stipulated that specific institutes of the accusatory system become operative in all federal jurisdictions in criminal matters of the country.

²⁴ <https://www.argentina.gob.ar/normativa/nacional/acordada-24-2021-355410/texto>

²⁵ <https://www.mpd.gov.ar/pdf/prensa/DGN%20RES.pdf>

²⁶ <https://www.mpf.gov.ar/covid/files/2020/04/PGN-0023-2020-001.pdf>

Therefore, on November 24, 2020, the Bicameral Commission issued Resolution No. 1/2020²⁷ (B.O. 3-12-20) that implemented in all federal courts and the National Criminal Justice, articles 285 (publicity of the debate), 286 (public access to the debate), 287 (access of the media to the courtroom) and 366 subparagraph "f" (review of final judgment only in favor of the person convicted by the issuance of a decision by the Inter-American Court of Human Rights or a body for the application of a treaty in an individual communication) of the CPP.

The Bicameral Commission provided the following grounds for adopting this resolution:

This implementation seeks to avoid situations of inequality before the law as concerns the conditions in which the trials are carried out, so that it guarantees a standard of publicity and uniform citizen control throughout the national territory.

These articles are not incompatible with the system of the Criminal Procedure Code (Law 23,984), since they provide the appropriate procedural tools to make court decisions transparent and thus comply with the republican principle of publicity of government acts.

The proposed implementation enables the local implementation of decisions of supranational courts, thus recognizing the scope of the jurisdiction of the international courts and bodies to which the Argentine Republic is a member.

This Resolution also urged to start a process of evaluation and monitoring of the implementation of the pillars of the accusatory prosecution system in all federal criminal courts in which the CPP has not fully entered into force. As a result, it has been carried an extensive study on the implementation process in Salta and Jujuy with the aim of addressing the pending challenges and improving the implementation process in other jurisdictions.²⁸

Subsequently, with the goal of continuing the CPP implementation, the Bicameral Commission issued Resolution No. 1/2021,²⁹ of February 3, 2021 (B.O. 10-2-21), which implemented articles 366 (revision of final sentence only in favor of the convicted person), 367 (legitimacy to request

²⁷ <https://www.argentina.gob.ar/normativa/nacional/resoluci%C3%B3n-1-2020-344835/texto>

²⁸ <https://www.senado.gob.ar/micrositios/nota/19881/noticias>

²⁹ <https://www.argentina.gob.ar/normativa/nacional/resoluci%C3%B3n-1-2021-346923/texto>

the revision), 368 (filing of the appeal), 369 (appeal procedure), 370 (appeal decision) and 375 (remission of the final judgment for its execution) of the CPP for all federal criminal courts.

On the other hand, in July 2020, the Executive Power submitted to the consideration of the National Congress the Bill on the Organisation and Jurisdiction of Federal Courts Based in the City of Buenos Aires and in the Provinces, which included a clause that sought to implement in the Autonomous City of Buenos Aires the trial model that CPP sets within a period of two years since the approval of the law.

In other words, as the bill was not finally passed by the Congress, it affected the CPP implementation.

Despite the sanitary restrictions, and regardless of the specific training sessions carried out by the state agencies involved, it must be pointed out that the Center for Justice Studies of the Americas (CEJA), an international organization of the inter-American system created in 1999 by resolution of the General Assembly of the Organization of American States (OAS),³⁰ provided significant training sessions to the different officials of the justice administration system. The activities carried out are detailed below.³¹

On the other hand, in 2018 the Ministry of Justice and Human Rights of the Nation and the Attorney General of the Nation entered into a Cooperation and Assistance Agreement which establishes a framework for developing the actions necessary to ease the implementation of the accusatory system of the CPP.

Within the framework of the Cooperation and Assistance Agreement, both parties signed Complementary Act No. 1, according to which the Ministry of Justice and Human Rights committed to affording the expenses related to the rent of the buildings to be used by the PPO in the cities of Salta and San Salvador de Jujuy.

In May 2022, the PPO requested the Ministry of Justice and Human Rights to continue paying the rent of the buildings on the understanding that "(...) at this stage of the CPP implementation in Salta and Jujuy, there is sufficient consensus that the building infrastructure in which the investigation units are currently based, has been decisive for the success of the new procedural

³⁰ <https://cejamericas.org/acerca-de-ceja/que-es-ceja/documentos-institucionales/>

³¹ <https://proyectorereformajusticiapenal.cejamericas.org/cursos/>

system (...)"'. In accordance with the PPO's requirement, the Ministry of Justice and Human Rights took the necessary actions to ensure the renewals of the rent contracts.

Conclusions.

To sum up, although the CPP was passed in 2014, there was a subsequent stage of regulatory activity that was objectified in Law No. 27,482 and lasted until 2019. Then, in June 2019, once the Bicameral Commission for Monitoring and Implementing the Federal Criminal Procedure Code was created, the CPP began to be implemented in the provinces of Salta and Jujuy.

In 2020, the new implementation plan that had been drawn up in previous years was seriously affected by the restrictions of the COVID-19 pandemic. As a consequence of this situation, the Bicameral Commission modified its planning and decided to continue the implementation process through the implementation of specific sections and institutions of the adversarial system in all federal jurisdictions of the country. In addition to this, numerous activities and trainings were carried out for the different agents of the justice administration service.

Additionally, the lack of approval of the Bill on the Organisation and Jurisdiction of Federal Courts Based in the City of Buenos Aires and in the Provinces, which lost parliamentary status, also affected the implementation plan.

In short, the implementation of the CPP is underway, advancing with the structural and institutional modifications required to meet this goal.

As mentioned above, the Ministry of Justice and Human Rights participated and co-organized the following activities and trainings:

- Virtual course on best practices and strategies for criminal analysis and teamwork among criminal justice officials (police and prosecutors) from the provinces of Salta and Jujuy. It was held from July 21 to 23, 2020.
- Training program for prosecutors and assistant prosecutors of the Rosario Federal Prosecutor's Office (Santa Fe province) with the aim of strengthening the debate on certain issues such as criminal analysis and tax investigation. It was held on September 8 and 9, 2021.

- Training for officials of the judiciary of the federal jurisdiction of Rosario (province of Santa Fe) with the aim of providing an overview of the system. It was held on September 13 and 14, 2021.
- Training for judges of Santa Fe, San Nicolás, Venado Tuerto and Rafaela on the role of the judiciary in the contentious system and the management of hearings. It was held on September 13 and 14, 2021.
- Lecture "Statistics and Essential Data for Judicial Management", which analysed university teaching techniques for preliminary hearings and focused on a range of subjects such as the different types of preliminary hearings, the didactic approaches to teaching, the importance of the consistency of the evidence before trial and the different techniques to litigate in preliminary hearings. The lecture was targeted to the jurisdictions of Chaco, Mendoza and San Juan. It took place on September 18, 21, 24 and 27, 2021.
- Training program for officers and employees of a prosecutor's office in the jurisdiction of Santa Fe. It was held on September 29 and 30, 2021.
- Training for prosecutors and assistant prosecutors in Mendoza on the implications of an adversarial system and the role of institutions. The topics discussed were the challenges of the accusatory system and the role of the institutions, the paradigm shift in the public defender's office, the right to an effective defense and main and secondary work processes in a public defender's office. It was held on October 13 and 14, 2021.
- Training program for public defenders on litigation techniques in hearings with emphasis on the impeachment hearing in Santa Fe. The topics covered were the organization of public criminal defense and the role of public defense in an adversarial system, the theory of the case from the perspective of the defense, and litigation within an arraignment hearing. In addition, practical activities were carried out on case preparation, strategic litigation, institutional objectives and specific problems of the public defense, and strengthening the formulation of the defense case theory. It was held on October 20 and 21, 2021.
- Training program for officials and employees of the Santa Fe Public Defender's Office on the implications of an adversarial system and the role of institutions. The topics discussed were: The challenges of the accusatory system and the role of the institutions, the paradigm shift in the public

defender's office, aspects of the right to an effective defense and main and secondary work processes in a public defender's office. It was held on October 27 and 28, 2021.

- Training program on the rule of the judiciary in an adversarial system and hearing management. Aimed at the jurisdiction of Mendoza, its objective was to strengthen skills in conducting hearings. It was held on May 16 and 17, 2022.
- Training program for officials and employees of the federal courts of Mendoza on the implications of an accusatory system and the role of institutions, with the aim of introducing the principles that regulate the adversarial system and case management models. It was held on May 19 and 20, 2022.
- Training course for civil servants and public officials of Mendoza with the objective of providing tools for the development of litigation skills. It took place from June 27 to July 1, 2022.
- Simulated investigation workshop for illicit drug trafficking and related crimes. It was held on June 8, 10, 15 and 17, 2021 for the jurisdiction of Rosario. Its objective was to improve the use of investigative methodology techniques in investigations of drug trafficking, financial or other transnational crimes.
- Second simulated investigation workshop for illicit drug trafficking and related crimes. It was held on June 29, 2021 in the Autonomous City of Buenos Aires.
- Course on the use of special techniques for the investigation of crimes associated and related to illicit drug trafficking. Its objective was that the federal and provincial prosecutors and investigators of Mendoza, in charge of the criminal prosecution of drug trafficking and related crimes, can direct and carry out effective and strategic investigations. It was held on June 2, 4, 9, 11, 16, 18, 23 and 25, 2021.
- Workshop to strengthen the skills of prosecutors and members of the Security Forces in the new accusatory criminal procedure system. Its objective that prosecutors and investigators could understand the roles and powers of the adversarial system through simulation. It was held on July 1, 6, 7 and 8, 2021 in the jurisdiction of Buenos Aires.
- Second workshop to strengthen the skills of prosecutors and members of the Security Forces in the new accusatory criminal procedure system. It was held on August 10, 12, 17 and 19, 2021 in the national jurisdiction.

- Third workshop to strengthen the skills of prosecutors and members of the Security Forces in the new accusatory criminal procedure system. It was held on September 7, 9, 14 and 16, 2021 in the jurisdiction of Mendoza.
 - Basic and specialized training for the Rosario Security Forces (Santa Fe province). Its objective was to strengthen the skills of members of the security forces in the new accusatory criminal procedure system. It was held on April 19 and 22, 2022.
 - Mock Trial Workshop in the jurisdiction of Rosario (province of Santa Fe). Its objective was to strengthen skills in investigation and litigation techniques. It was held from April 25 to July 1, 2022.
 - Basic and specialized training for the Salta Security Forces. Its objective was to strengthen the skills of members of the security forces in the new accusatory criminal procedure system. It was held on May 31 and June 3, 2022.
 - Preparation of a series of hearing simulations and case studies. It was held virtually in 2021.
 - Training for Defenders on litigation techniques in hearings. Held in Mendoza and Santa Fe, 2021.
 - Training on the implications of the adversarial system and the role of institutions in Mendoza and Santa Fe, 2021.
 - Term and edition of the Guide for a Code of Ethics in Litigation and Conduct in Hearings, 2022.
 - Seminars and workshops on the Federal Justice Reform in Argentina, held in September 2022.
 - Various training designed for different justice operators in Mendoza on the accusatory system and the role of institutions, 2022.
 - Simulation of hearing in trials for economic crimes. Mendoza, April 10 to 21, 2023.
- At the same time, the following activities have been projected by JSCA to be performed in 2023:
- Course on the investigation and prosecution of economic crimes. Mendoza, March to June.
 - Litigation course. Mendoza, May 16 and 17.
 - Litigation course. Rosario, province of Santa Fe, from May 22 to 24.

- Seminar on the challenges in the investigation of organized crimes. Buenos Aires, June 14.

Public Ministry of Defense

Institutional measures adopted concerning the implementation of the CPP.

1. Renewal of the appointment of Dr. Galán Muñoz as Coordinating Public Defender (June, 2022).

Since 2019 through different renewals, the Coordinating Public Defender has acted contributing to the new organization of public defense in the federal jurisdiction of Salta as requested for the implementation of the CPP.

2. Transformation of Defenders positions in the federal jurisdiction of Salta due to the implementation of the CPP (June, 2022)

By DGN Resolution RDGN-2021-1600-E-MPD-DGN#MPD, the Secretary General in charge of the General and Financial Administration Office of the National Public Defender's Office was instructed to take the necessary steps before the National Budget Office, under the Treasury Secretariat of the Ministry of Economy of the Nation, in order to modify and convert the current positions in the federal jurisdiction of Salta -and their salaries, if applicable- to rename them as "Federal Public Defender of the inlands" (according to Section 15, point 7 sub-section a, of the Organic Law of the Ministry of Public Defense – MPD- No. 27,149). Such positions are:

- Official Public Defender before the Federal Courts of First and Second Instance of Salta (1 position)
- Official Public Defenders before the Federal Criminal Trial Courts of Salta (2 positions) and Jujuy (1 position)

- Official Public Defenders before the Federal Courts of Jujuy (1 position); of San Ramón de la Nueva Orán (1 position), of Tartagal (1 position) and of Libertador General San Martín (1 position).

Then, by means of communication NO-2022-00044520-MPD-SGAF#MPD the Secretary General in charge of the Office of General and Financial Administration of the National Public Defenders' Office informed the publication of Decree No. 331/2022 on June 16, 2022, which modified the General Budget of the National Administration concerning Financial Year 2022 and provided the details of the conversion of the eight (8) positions described above in the annexes establishing the distribution of positions for the current year. As a following step, the transformation of the aforementioned positions -and their salaries, if applicable-, was made effective by DGN Resolution RDGN-2022-817-E-MPD-DGN#MPD as of June 16, 2022, converting them into "Federal Official Public Defenders of the interior of the country" (according to Section 15, point 7 sub-section a, of the Organic Law of the MPD No. 27,149).

3. Courses on the implementation of the FCPC

<u>Course name</u>	<u>Course organization</u>	<u>Date</u>
Permanent training workshop on the accusatory system. Session II. Theory and practice of the case theory as a guarantee of contradiction in the accusatory criminal process.	Webinar	5/22
Permanent training workshop on the accusatory system. Session III. Litigation techniques for the Public Defense.	Webinar	8/22
Permanent training workshop on the accusatory system. Session IV.	Webinar	10/22
Conference "Three years of the implementation of the CPP: experiences and challenges of the Public Defense".	Webinar	06/22
"Institutional and operational challenges in the implementation process of the CPP from the perspective of the Federal Public Defense" (Exclusive for members of the MPD units of the jurisdictions of Mendoza and Rosario).	Webinar	10/22

4. Plan to enhance the Ministry of Public Defense in Santa Fe Province

The CPP is fully in force in the federal jurisdiction of Salta. However, given the latest resolutions of the Bicameral Commission for the Implementation of the CPP and the recent approval of the Law concerning the Strengthening of the Federal Criminal Justice in the Province of Santa Fe, the National Public Defenders' Office is working on the new design of the Public Defense services in line with the implementation of such regulations in the federal jurisdiction of Santa Fe. In this regard, the Organic Law of the Ministry of Public Defense No. 27,149 empowers the National Public Defenders' Office to assess, design and execute specific policies aimed at guaranteeing comprehensive legal assistance and promoting the defense of the fundamental rights of individuals, both concerning the particular management of cases and in accordance with the applicable legal provisions that so require (in agreement with sections 1, 8, 12 and 54).

Therefore, similar to what was devised and developed for the federal jurisdiction of Salta, a complete plan for the redistribution of existing resources in the federal jurisdiction of Santa Fe is currently in progress. This plan is adjusted to various converging particularities: those inherent to each existing Public Defender's Office, as well as those related to the city in which it is located, the type of cases for which it intervenes and the number of people the Office assists on a daily basis.

To this end, the service scheme will include units and teams to cover the three litigation scenarios that will coexist: (i) the remaining criminal cases until the Code sanctioned by Law No. 23,984 ceases to be in force; (ii) the new criminal cases under the CPP; and (iii) the non-criminal cases. Within each structure, the Public Defenders and/or Assisting Public Defenders ("Defensores Públicos Coadyuvantes") are expected to provide technical assistance in the assigned litigation scenario in accordance with the corresponding procedural rules, for which they will receive constant collaboration from administrative staff.

In addition, the Coordinating Public Defender will play an essential role in implementing the plan due to his/her primary responsibility in managing structural needs and supervising the work under her/his scope. This seeks to guarantee an effective public defense in each litigation matter (according to Section 40, Law No. 27,149).

5. Investment plan for the implementation of the CPP

In accordance with the considerations set forth in the previous section, the investments to be reported concerning the budget are the following:

- Building expansion currently in process in the city of Rosario.
- Projected lease of real estate in the city of Rosario due to the creation of three units provided for in the draft Law concerning the Strengthening of the Federal Criminal Justice in the Province of Santa Fe.
- Currently, there are many ongoing efforts in order to refurbish the building conditions where the Santa Fe office nowadays operates.
- Projected lease of real estate in the cities of Rafaela, Reconquista, San Lorenzo and Venado Tuerto due to the creation of units provided for in the draft Law concerning the Strengthening of the Federal Criminal Justice in the Province of Santa Fe.
- It is anticipated that various IT supplies (computers, laptops, licenses, servers and security) and furniture will be required. Firstly, due to the creation of new units provided for in the draft Law concerning the Strengthening of the Federal Criminal Justice in the province of Santa Fe. Secondly, as a result of the functional dynamics that will be generated by the implementation of the CPP.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Recommendation 5(e):

5. Regarding investigations and prosecutions, the Working Group recommends that Argentina:

(e) regarding delay, (i) urgently take further steps to reduce delays in complex economic crime cases, including by addressing the causes of delay that originate in the criminal procedural system and (ii) maintain and analyse statistics on delay and economic crime cases to assess the effectiveness of the measures to reduce delay; (Convention Article 5 and Commentary 27; 2009 Recommendation Annex I.D);

Judicial Council.

The Board of Auditors of the Judicial Council has continued gathering data and elaborating statistics on foreign bribery cases pursuant to Regulation CM 342/16 and Regulation CM 414/18 and 283/20.

Accordingly, the Board of Auditors provides information on the status of foreign bribery cases, which is included in the Argentine Reports to the WGB.

According to the abovementioned regulations that govern audit processes, the Board of Auditors regularly updates the data on corruption and foreign bribery cases. To meet this goal, the Board of Auditors gathers and monitors the information that is annually requested to all the federal criminal courts of the country. Accordingly, all criminal courts are regularly audited by the Board of Auditors of the Judicial Council, which assesses compliance with reasonable period in accordance with international regulations. Additionally, within the framework of the initiatives agreed under the coordination of the Legal Adviser Office for implementing the Phase 3BIS Recommendations, the Board of Auditors works in coordination with the Ministry of Foreign Affairs and PROCELAC so as to unify information on ongoing foreign bribery cases, detailing the procedural stage and actions taken in every case so that competent authorities may adopt the necessary measures in each a case.

Information on cases gathered by the Board of Auditors has been included in the reports on ongoing cases detailed in Part II.

Ministry of Justice and Human Rights – Directorate of Criminal Policy on Justice and Criminal Legislation.

Regarding the investigations on economic crimes referred to in this Recommendation, it is important to point out that the Directorate of Criminal Policy on Justice and Criminal Legislation is carrying out various statistical studies on such crimes.

Economic crimes have specific characteristics that distinguish them from the so-called "ordinary crimes". Among such features, it can be identified the high degree of organization, the lack of explicit violence or the appropriation of quantitatively or qualitatively important high-valued assets.

This means that economic crimes certainly represent a relevant problem in the criminal policy agenda of Argentina, as well as the fight against them requires to have and process relevant and significant information.

The National Directorate of Criminal Policy on Justice and Criminal Legislation, in addition to carrying out the country's statistical systems on judicial and prison matters (Law 25,266), performs different studies on aspects related to the country's criminal policy, which represent a ministerial priority. In this way, in 2020 the Directorate has prepared a Study Program on Economic Crimes that consists of 6 research projects to be developed in 3 continuous stages.

The main goal of this research initiative is to improve scientific knowledge on economic crimes in order to promote more efficient public policies in this field.

In fact, in general terms, the current statistical systems within the policing and judicial field do not have optimal information on this problem as well as neither from the academic field there is suitable complementary data.

Considering these limitations, it is essential to widen the traditional sources of crime statistics to develop new and better research tools.

With the aim of overcoming these constraints, the study program on economic crimes promoted by the Ministry of Justice and Human Rights has been designed on the basis of different social research strategies that broaden the assessment on this issue.

Moreover, not only will valid information make better assessments possible for the preparation of proposals for action, but it will also allow monitoring the outcomes of such initiatives.

In order to achieve the proposed objective, an interdisciplinary team of researchers from the Directorate is conducting a progressive study program that collects, systematizes, and analyses information on economic crimes that were committed in Argentina.

In the first stage of such work, the following investigations were carried out:

1) Report on Economic Crimes in Argentina.

The project consists of compiling and reviewing a series of studies and pieces of research carried out in Argentina on economic crimes. Within this initiative, it has been designed an institutional map, which identifies the offices and agencies with competence over the topic, including the Central Bank and Public Registry of Companies, and a judicial map that identifies the judicial units competent over economic crimes. Additionally, it was also performed an assessment on the information systems currently available and the main existing studies.

In the second stage of the Program, which is currently underway, the following research initiatives are being conducted:

1) General report on economic crimes. Theoretical framework:

This project consists of a compilation and analysis of theoretical material on the definition and scope of economic crimes. It seeks to achieve a definition of the problems related to economic crimes and conceptualize the scope of the study to develop.

This report also includes a legal and criminological study on how economic crimes have been handled in Argentina.

2) Report on the international approach to Economic Crimes.

This project compiles and assesses international regulations and the main studies on economic crimes promoted by international organizations such as the United Nations (UNODC), OECD and OAS.

3) Analysis of economic crimes convictions in Argentina.

This work is based on the criminal convictions rendered in Argentina in recent years, which are compiled by the National Registry of Criminal Records.

On the basis of statistics obtained from gathered information, it is carried out an assessment on economic crimes' trends, which are classified according to the type of crime and jurisdiction. In this way, the project seeks to assess the levels of judicial response to economic crimes through the issuance of convictions.

4) Judicial Study on Economic Crimes in the city of Buenos Aires.

The purpose of this study is to analyse the functioning of economic criminal justice in the City of Buenos Aires on the basis of a survey of judicial cases that is carried out by a team of researchers from the National Directorate of Criminal Policy on Justice and Criminal Legislation.

This investigation is carried out in the courts of the City of Buenos Aires where economic crime cases are considered. The research has focused on cases before Economic Criminal Courts (Tribunales en lo Penal Económico) during 2019 so as to assess how cases were resolved. Accordingly, 156 files have been considered so that it was possible to collect information on the facts under investigation, the persons involved and the judicial decisions issued in each case. The work methodology used for this initiative may be replicated in other jurisdictions of the country.

Finally, the third and last phase of research is scheduled to begin in the second semester of 2023 and seeks to deepen the study on specific topics that represent a priority in the ministerial agenda. In this stage, it will be conducted a specific project on domestic and foreign bribery, as detailed below.

Foreign Bribery Research Project.

This crime is regulated in article 258 bis of the Penal Code, in accordance with the standards of the Inter-American Convention Against Corruption and the OECD Anti-Bribery Convention.

It should be noted that this is a relatively new crime in the Argentine legal system, which leads to prioritize the optimization of the systems for developing statistical information on this crime. For this reason, the Project seeks to deepen the knowledge on foreign bribery from both a theoretical analysis on the crime and a pragmatic assessment on the basis of practical information obtained from different sources. Accordingly, within the framework of this project, the following two pieces of research will be conducted_

1. Quantitative and Qualitative study on Foreign Bribery

Firstly, it will be analyzed legislation and case law on domestic and foreign bribery and the following methodologies will be taken:

- Quantitative Study: it will be gathered official information from public agencies: Federal Administration of Public Revenues, Judiciary, Public Prosecutors (PROCELAC), National Registry of Criminal Records, and other decentralized offices.
- Qualitative Study: there will be conducted interviews with officials, specialists and law enforcement agents in order to obtain information about the difficulties and challenges faced during the investigation and resolution of these cases.

2. Field study

Secondly, it is expected to carry out an analysis on the basis of judicial cases on bribery. From such information, it will be created a matrix that will include details on detection sources, sanctions, perpetrators, modalities of crime commission, and judicial decisions.

It should be noted that the possibility of developing this study is subject to obtaining prior approval by the Judiciary and PPO to collect information from the official files, while respecting the confidentiality of information.

As concerns the current status of this ongoing piece of research, it is noted that it has already been obtained statistical information prepared by the National Registry of Criminal Records on domestic bribery convictions, as detailed in the chart below. In the next stage, information on foreign bribery cases will be requested to the PPO to complete this research.

Años	Tipos de Cohecho	Buenos Aires	Capital Federal	Catamarca	Chaco	Chubut	Córdoba	Corrientes	Entre Ríos	Formosa	Jujuy	La Pampa	La Rioja	Mendoza	Misiones	Neuquén	Río Negro	Salta	San Juan	San Luis	Santa Cruz	Santa Fe	Stgo. del Estero	Tierra del Fuego	Tucumán	Total general
2021	Cohecho	9	2			2	1	1	2					1								10				28
	Cohecho Activo	3	1											1								3				8
	Cohecho calificado		1																			1				2
	Cohecho Pasivo	1																								1
	Cohecho/dádivas	7	2				3											1				2				15
Total Cohecho	20	6	0	0	2	4	1	2	0	0	0	0	0	2	0	0	0	1	0	0	0	16	0	0	0	54
2020	Cohecho	7	5			1								1		3						5	1		2	27
	Cohecho calificado	1					3							1												5
	Cohecho/dádivas	1	7				6							4	1							1			1	21
	Total Cohecho	9	12	0	0	1	9	0	0	0	0	0	0	6	1	3	0	0	2	0	0	6	1	0	3	53
2019	Cohecho	16	1				4							2					1			2				26
	Cohecho calificado	1			1		1															2				5
	Cohecho/dádivas	6	1				6									1			1			1				16
	Total Cohecho	23	2	0	1	0	11	0	0	0	0	0	0	2	0	1	0	0	2	0	0	5	0	0	0	47
2018	Cohecho	15	12				1		1					5												35
	Cohecho calificado																					1				1
	Cohecho/dádivas	4	2				7	1	1		1			4	1											21
	Total Cohecho	19	14	0	0	0	8	1	2	0	1	0	0	9	0	1	0	1	0	0	0	1	0	0	0	57
2017	Cohecho	14	2				4							1			1					4			1	27
	Cohecho calificado		1																							1
	Cohecho/dádivas	3	3				1															1				8
	Total Cohecho	17	6	0	0	0	5	0	0	0	0	0	0	1	0	0	1	0	0	0	0	5	0	0	1	36
2016	Cohecho	17	2				2					1	1									5				28
	Cohecho calificado																									0
	Total Cohecho	17	2				2					1	1									5				28
2015	Cohecho	10	5				5							1								4				25
	Cohecho calificado	1																								1
	Total Cohecho	11	5	0	0	0	5	0	0	0	0	0	0	1	0	0	0	0	0	0	0	4	0	0	0	26
2014	Cohecho	5	6				1							1	1							4				18
	Cohecho calificado	1																								1
	Total Cohecho	6	6	0	0	0	1	0	0	0	0	0	0	1	1	0	0	0	0	0	0	4	0	0	0	19
2013	Cohecho	5	8				6							2	1											22
	Cohecho calificado	2												1												3
	Total Cohecho	7	8	0	0	0	6	0	0	0	0	0	0	3	0	1	0	0	0	0	0	0	0	0	0	25
2012	Cohecho	11	4				4							1								3				23
	Cohecho calificado	1																								1
	Total Cohecho	12	4	0	0	0	4	0	0	0	0	0	0	1	0	0	0	0	0	0	0	3	0	0	0	24
2011	Cohecho	17	8				3							3								2				33
	Cohecho calificado																									0
	Total Cohecho	17	8				3							3								2				33
2010	Cohecho	18	7				1		1					3								2				32
	Cohecho calificado	1																								1
	Total Cohecho	19	7	0	0	0	1	0	1	0	0	0	0	3	0	0	0	0	0	0	0	2	0	0	0	33

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Recommendation 5(f):

5. Regarding **investigations and prosecutions**, the Working Group recommends that Argentina:

(f) take urgent steps to ensure that adequate resources are made available for foreign bribery investigations and prosecutions and consider assigning foreign bribery and corruption investigations and prosecutions to specialised investigative judges and prosecutors who have expertise in complex economic crime cases (Convention Article 5 and Commentary 27; 2009 Recommendation Annex I.D);

The PPO has the Specialized Prosecutor's Office on Economic Crimes and Asset Laundering (PROCELAC), which is formed by five operational divisions competent over specific areas of economic crime (Anti-Corruption Division, Asset Laundering and Terrorism Financing, Tax Crimes and Smuggling, Stock Market and Financial Fraud Division and Bankruptcy Fraud Division), as well as an Administrative Division and the Technical Analysis Division, which provides assistance in economic, accounting, financial and IT matters. The Anti-Corruption Division has a team specialized in foreign bribery.

PROCELAC acknowledges the importance of training as a fundamental tool to enhance the technical and specialized proficiency of its officials and employees. To achieve this, PROCELAC's members actively participate in workshops, conferences, and meetings with national and international experts focused on complex and transnational economic crime. These collaborations foster a deeper understanding on the evolving nature of economic crime, enabling PROCELAC to adapt and improve its strategies and techniques to address these crimes. PROCELAC then conveys this knowledge to other PPO members, promoting a culture of learning and growth within the organization.

Throughout 2022 and the early months of 2023, PROCELAC members have actively engaged in various seminars and courses as either speakers or attendees. These events have provided invaluable opportunities to widen and deepen their expertise in investigating cases of foreign bribery. Noteworthy examples include:

- IBA webinars - Webinar The 2021 OECD Anti-Bribery Recommendation and what it (could) mean for the private sector and enforcers, 7/2/2022
- Public corruption and its derivatives in administrative proceedings, PPO, 17/5/2022
- International Criminal Cooperation: Joint Investigation Teams, PPO, 13/7/2022
- Course "Consumer: Stereotype and Gender", 2/8/2022
- Nosis Compliance Workshop: New efficient research tool for the Judiciary, 4/8/2022
- Virtual Assets (VA) and Virtual Asset Service Providers (VASP), Gafilat Campus, 10/8/2022
- Gender perspective in litigation and oral trial, PPO, 10/8/2022
- Politically Exposed Persons (PEP), Gafilat Campus, 11/8/2022
- "New Developments in the Application of Law 27.401. RITE, Cases and Impact of the First Agreement" conference, September 23 and 30, 2022, Professional Council of Economic Sciences
- Argentina Ethics and Compliance Association: Ethics and Crimes in the Metaverse: Fiction or Reality? 12/10/2022
- Narcocriminality and gender perspective, PPO - 13/12/2022
- 5th Annual Conference on Compliance, Anti-Corruption and Investigations by Marval, 14/9/2022
- New businesses and trends in crypto - FinLaw, Beccar Varela, 10/8/2022
- IX INTERNATIONAL LEGAL COOPERATION SEMINAR, Ministry of Foreign Affairs, International Trade, and Worship, 1/11/2022
- Seminar "Best practices for asset recovery in money laundering and terrorism financing investigations in Argentina" - GovRisk.

The PPO is committed to prioritizing compliance and corporate criminal responsibility, recognizing the significant impact it can have in preventing economic crime. In September 2022, the Prosecution Office for Administrative Investigations (PIA) and PROCELAC, in collaboration with Argentina's Anti-Corruption Office and the Professional Council of Economic Sciences of Buenos Aires (Association of Chartered Accountants), organized a series of sessions titled "*Updates in the application of law 27.401. RITE, cases, and the impact of the first agreement*"

on corporate criminal liability. These sessions explored various aspects of the law, including integrity programs, leniency agreements, undue benefit, and compensation. The sessions featured presentations by specialists from different agencies, such as the OECD, Alliance for Integrity, Maritime Anti-Corruption Network, and anti-corruption prosecutors' offices of Costa Rica, Chile, and Brazil, among others. The panels addressed a range of topics related to corporate criminal responsibility, providing participants with valuable insights and perspectives on how to approach and prevent economic crime.

In the international field, the co-head federal prosecutor of PROCELAC continued her work as co-chair of the Latin-America and the Caribbean Law Enforcement Network (LAC-LEN) created within the framework of the OECD Law Enforcement Officials Meetings (LEO). To continue fulfilling the objectives of this network, the Institutional Coordination Secretariat of the Attorney General's Office and the Anti-Corruption Division of PROCELAC provided support. In November 2022, the fourth meeting was held in Santiago de Chile, attended by the LAC-LEN co-chair, the head Prosecutor of PIA, and the Anti-Corruption Division team coordinator. The meeting focused on topics related to legal entity responsibility and international cooperation.

In March 2023, the PPO organized a seminar titled "*Best Practices for Asset Recovery in Investigations of Money Laundering and Terrorism Financing in Argentina*", together with the International Governance and Risk Institute (GovRisk) from the United Kingdom of Great Britain and Northern Ireland. The seminar was held in person at the Office of the Attorney General's auditorium. The seminar was conducted by Stuart Griffiths, an asset recovery expert, and former official of the UK Serious Organized Crime Agency and the UK National Crime Agency, and Alejandro Montesdeoca Broquetas, former Secretary-General of the South American Financial Action Task Force (GAFISUD) and GovRisk specialist. The event was attended by members of PROCELAC, PIA, the Office of Narcocriminality (PROCUNAR), federal judges, officials, and prosecutors. The seminar covered topics related to financial profiling, disruption, planning, and institutional coordination, asset value and impact criteria in strategy and tactics, asset valuation, mutual legal assistance, preservation of value, and tracking and identification of cryptocurrencies, among others.

At the end of April 2023, the coordinators of the Anti-Corruption and Tax Crimes and Smuggling Divisions will participate in the on-site specialization program on "Fighting Money Laundering: Current Trends, Case Prosecution and Challenges Posed by Crypto Assets," which will take place at the Latin American Academy for the Investigation of Tax and Financial Crimes of the OECD. The training will be provided by national and international high-level experts convened

by the OECD, with the objective of contributing to the improvement of the capacity of public administration officials to detect and combat tax, financial, and other crimes, by providing them with tools and skills to carry out investigations.

In alliance with the AFIP (the Argentina's revenue agency), during 2022 and the first months of 2023, the PPO maintained its commitment and full participation in the training and capacity-building platform of the OECD's Latin American Academy for the Investigation of Tax and Financial Crimes. During this time experts from the Attorney General's Office have integrated the instructor's team into 4 courses: Specialty Course "Investigative Techniques for the Cash Economy" (March 2022), Foundation Programme: "Conducting Financial Crime Investigations" (October 2022), and "Anti-Money Laundering: Current Trends, Prosecutions, and the Challenges presented by Crypto Assets" (June 2022 and April 2023). At the same time, certain PPO officers were admitted as participants to these courses as well as to the Intermediate Programme: "Managing Financial Crime Investigations" and the Specialty courses: "Asset Recovery: Freezing and Seizing Assets", "VAT/GST Fraud Investigations", "Investigative Techniques for the Effective Use of Banking Information". The purpose of this alliance with AFIP and the OECD's Academy for Tax and Financial Crime Investigation is to reinforce Argentina's commitment to the fight against financial crimes including bribery and money laundering, while strengthening the skills of PPO's officers through continuous training.

The Gender Working Group of PROCELAC has moved forward in deepening the understanding on gender issues within economic crime so that it can provide efficient responses that are respectful of women's rights and encompass a gender perspective. As a result of this effort, the Group has developed a list of the most frequent indicators observed in different cases of economic crime that should alert judicial operators. The objective of including an adequate analysis from a gender perspective is to identify patterns of behavior, detect the phenomenon, and obtain relevant information that can suggest evidentiary measures aimed at demonstrating the consent (or lack thereof) of women in the commission of those criminal acts. The ultimate goal is to ensure that the responses to economic crime are effective and inclusive, as well as they take into account the gender aspects of these crimes.

In line with PROCELAC's specialized work in matters related to complex economic crime and foreign bribery, the Crypto Assets Task Force, which is composed of professionals from all areas of PROCELAC, has continued performing its task. The task force has identified the use of crypto assets as a new modality for committing crimes such as money laundering of illicit origin, fraud, fraudulent management, unauthorized financial intermediation, and even illicit association. To

improve efficiency in the investigation and prosecution of such cases, the working group members have participated in training sessions and meetings with public and private organizations. Their work has been reflected in the measures taken in preliminary investigations and reports prepared by PROCELAC. Moreover, the working group has continued working in coordination with the Cybercrime Unit of the PPO (UFECI), which is the liaison for a generic task force on crypto assets of the PPO.

Ministry of Foreign Affairs – Office of the Legal Adviser.

As indicated in the section concerning Recommendation 5(c) above, the Office of the Legal Adviser promotes raise-awareness initiatives on the Anti-Bribery Convention and the Recommendations, and coordinates action courses agreed with competent and relevant agencies for the implementation of Phase 3 BIS recommendations.

Within this framework, in April 2023 the Office of the Legal Adviser organized a Seminar on the Anti-Bribery Convention for judges and judicial employees. The event was attended by officials from different federal criminal courts (High Courts, Trial Courts and Courts) with competence over the crime of foreign bribery, and representatives of judges and prosecutors' associations. The main goal of this meeting was to provide judicial officers with an insight into the Anti-Bribery Convention and the standards developed by the WGB, as well as obtaining feedback from attendants on the main challenges they face in the investigation into foreign bribery. To this end, in the Seminar there were presentations by the Office of the Legal Adviser, the PPO, PROCELAC, the Anti-Corruption Office and the Directorate of International Legal Assistance. A remarkable takeaway of this event was to provide a platform for bringing together relevant actors in investigating foreign bribery cases to discuss and exchange views on this regard. The Seminar is expected to be carried out every semester.

On the other hand, it is worth mentioning that the Ministry of Foreign Affairs through the Office of the Legal Adviser is currently coordinating the celebration of meetings with officials from public agencies belonging to the 3 branches of the State (executive, legislative and judiciary) that look forward to developing concrete measures to implement the Anti-Bribery Convention, the 2021 Recommendations and specific recommendations pending from Phase 3 BIS. To date, these meetings have been attended by officers from the following agencies: Judicial Power, PPO, PROCELAC, Ministry of Justice and Human Rights, Anti-Corruption Office, Argentine Federal

Tax Authority (AFIP), Central Bank, National Commission on Stock Exchange (CNV), Public Registry of Companies (IGJ), National Authority for Public Contracts and Purchases (ONC) and Superintendence of Insurance Companies (SSN) among others.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Recommendation 6(e):

6. With regard to **judicial and prosecutorial independence**, the Working Group recommends that Argentina:

(e) take additional measures to substantially reduce the number of judicial vacancies and surrogate judges, and increase continuity of investigative personnel for particular cases, including judges and prosecutors, to the greatest degree possible (Convention Article 5 and Commentary 27; 2009 Recommendation Annex I.D).

The National Executive Branch intervenes in the procedures for selecting and appointing magistrates of the National Judiciary and Public Ministries, in accordance with the powers conferred by article 99, paragraph 4 of the National Constitution.

Within the framework of these attributions, from May 2022 –date of last Follow-up Report– to date, twenty-five (25) judges, two (2) prosecutors and three (3) national and federal defenders have been designated.

It should be noted that the process of selecting magistrates is a complex procedure, which requires the mandatory intervention of different branches of the State, namely the National Judiciary (through the Judicial Council, the Public Prosecutor's Office and the Public Defense's Office), the Executive Power (Ministry of Justice and Human Rights), and the Legislative Power (Senate).

Accordingly, the successful conclusion of this procedure requires completing various stages within each of the aforementioned State bodies. Consequently, while vacancies arise in those

procedures that have not been completed yet, it must be borne in mind that such procedures may be at an advanced phase as different stages may have been duly exhausted.

In this sense, among the ongoing procedures, the National Executive Power has recently sent to the Senate 85 proposals for the selection and appointment of magistrates: 42 judges, 11 prosecutors and 32 defense attorneys. The stage before the Senate is the last one for completing the appointment procedure.

The Ministry of Justice and Human Rights has dedicated significant efforts and resources with the purpose of reducing the delay in covering judicial vacancies. Consistently, it is noted that one hundred and eighteen (118) vacancies for judges, five (5) for prosecutors and twenty-nine (29) for defense attorneys have been covered since December 2019.

As concerns the institution of surrogacy (sencondment), Law No. 27,439 regulates the procedure for temporarily appointing judges of the lower courts in cases of leave, suspension, vacancy, removal or other impediment of judges. Accordingly, it can be concluded that the very National Judiciary is empowered to fill its own vacancies through the mechanisms set forth legislation mentioned above.

In these procedures aimed at covering vacancies temporarily (until a new judge is duly selected and appointed), the National Executive Branch only intervenes after the Judicial Branch –through the Judicial Council– has sent the list of proposed candidates. The Executive selects a person included in such list and then requires the confirmation of the Senate to appoint a temporary judge (“conjuez”).

To date, since the last report submitted, eighteen (18) temporary judges (conjuces) have been appointed.

This being said, out of the total of two hundred and sixty-four (264) current vacancies:

- Thirty-one (31) are under the National Executive Power consideration.
- One hundred and ninety-one (191) are being processed before the Judicial Council. Out of these procedures, eighty-three (83) are under consideration by the plenary, which represents the last stage within the Judicial Council before being submitted to the National Executive Branch for further processing.
- Forty-two (42) were submitted to the Senate’s consideration by the Executive Power.

These figures clearly reflect that the majority of the selection processes (156 out of 264) are in advanced stages.

National Justice of the Federal Capital						
Courts	Number of positions in Higher Courts	Vacancies	Number of positions in Oral Court	Vacancies	Amount of positions in Courts of First Instance	Vacancies
Civil	39	12	x	x	110	33
Commercial	18	2	x	x	31	3
Criminal (Criminal y Correccional)	16	5	x	x	71	22
Labor	30	6	x	x	80	14
Criminal Cassation Court (Casación en lo Criminal y Correccional)	10	4	93	26	5	1
Consumption	6	6	x	x	8	8
Total	119	35	93	26	305	81
Total positions	517					
Total vacancies	142					

National Justice of the Federal Capital						
Courts	Number of positions in Higher Courts	Vacancies	Number of positions in Oral Court	Vacancies	Number of positions in Courts of First Instance	Vacancies
Criminal Cassation Court (Casación en lo Criminal y Correccional)	13	2	x	x	x	x
Economic and Criminal (penal económica)	6	3	9	2	11	1

Electoral Court	3	x	x	x	x	x
Social Security	9	3	x	x	10	4
Administrative	15	1	x	x	18	3
Civil and Commercial	12	5	x	x	11	2
Criminal	6	2	24	7	12	4
Total	64	16	33	9	62	14
Total positions	159					
Total vacancies	39					
Federal Justice in the provinces						
Courts	Number of positions in Higher Courts	Vacancies	Number of positions in Oral Court	Vacancies	Number of positions in Courts of First Instance	Vacancies
Federal Court of Bahía Blanca	5	x	6	1	4	x
F.C. of Comodoro Rivadavia	3	x	9	5	8	x
F.C. of Córdoba	6	1	12	1	8	2
F.C. of Corrientes	3	x	3	1	4	1
F.C. of General Roca	3	1	6	2	6	3
F.C. of La Plata	9	5	9	7	10	2
F.C. of Mar del Plata	3	1	3	2	8	2
F.C. of Mendoza	6	3	12	x	9	1
F.C. of Paraná	3	x	6	1	7	x
F.C. of Posadas	3	x	3	1	5	1
F.C. of Resistencia	3	1	6	2	7	2
F.C. of Rosario	6	1	12	4	10	4
F.C. of Salta	6	1	9	2	7	4
F.C. of San Martín	6	1	15	6	14	3
F.C. of Tucumán	5	1	9	4	7	1

F.C. of San Justo	3	1	x	x	2	1
F.C. of Comandante Luis Piedrabuena	3	x	x	x	x	x
Total	76	17	120	39	116	27
Total positions	312					
Total vacancies	83					

NATIONAL AND FEDERAL JUSTICE	TOTAL POSITIONS	HELD POSITIONS	VACANT POSITIONS
FEDERAL JUSTICE	471	349	122
NATIONAL JUSTICE	517	375	142
TOTAL	988	724	264
PERCENTAGE	100%	73,28%	26,72%

Judicial Council

As concerns the measures taken by the Judicial Council in the procedures for the selection of judges, the Selection Commission of the Judicial Council reported that it carried out the following activities during the period under consideration to reduce the number of national and federal vacancies.

- Public draws and jury empanelling at 11 examination contests -to fill 14 vacancies- and jury draw at 4 examination contests- to fill 4 judgeship vacancies.
- Call for contests. 6 contests were called, with the purpose of filling 7vacancies at the national and federal level.
- Applications. 371 applications were received and personal files were checked.
- 11 competitive examination contests took place, aimed at filling 19 vacancies.
- Record reports. 548 were assessed to obtain the preliminary grades of applicants in 19 contests.
- 11 grade reports resulting from contest examinations were issued.

- Elaboration of provisional rankings for 21 competitive examinations.
- 359 challenges to results were received.
- 28 Reports on Challenges were approved.
- 353 Psychological and psychotechnical reports 353 reports were carried out.
- 361 Personal interviews with applicants for 18 contests.
- 23 contests were approved and 83 lists of 3 candidates per position were proposed and sent to the Judicial Council Plenary for its consideration.
- 10 Lists of three candidates (previously approved by the Plenary of the Judicial Council) were sent to the Executive Branch.

If no action has been taken to implement this recommendation, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken: