LAW ON INTERNATIONAL COOPERATION IN CRIMINAL MATTERS

Argentine Law No. 24767


Enacted: December 18, 1996.


Be it enacted by the Senate and the House of Representatives of Argentina in Congress assembled.

LAW ON INTERNATIONAL COOPERATION IN CRIMINAL MATTERS

PART I

GENERAL PROVISIONS

SECTION 1.- The Argentine Republic shall afford the widest possible measure of assistance, to any State requesting it, in the investigation, the prosecution and the punishment of offences that fall within the jurisdiction of the requesting State.

Any authorities involved shall employ the maximum degree of diligence so that the request can be executed promptly in order not to distort the nature of the assistance sought.

SECTION 2.- In the event a treaty has been signed between the requesting State and the Argentine Republic, the provisions of such treaty shall apply to the processing of legal assistance.

Notwithstanding the foregoing, the provisions of this law shall be used to interpret the language of the treaties.
For any issues not provided for by the treaty, this law shall apply.

**SECTION 3.** In the absence of a treaty governing legal assistance, such assistance shall be subject to the existence or offering of reciprocity.

**SECTION 4.** Any requests for assistance and any documents in support thereof shall be translated into Spanish.

Any documents submitted through the diplomatic channels shall not require certification or authentication.

The proper submission of the documents shall give rise to a presumption of the truthfulness of their content and the validity of the proceedings to which they refer.

**SECTION 5.** To determine whether a requesting State has jurisdiction over the offence that gives rise to the request for assistance, the laws of the requesting State shall apply.

The fact that the punishment of such offence also falls under Argentine jurisdiction shall not be an obstacle to providing legal assistance.

However, in cases where legal assistance is related to extradition, the admissibility of the request shall be subject to the provisions of Section 23.

**PART II**

**EXTRADITION**

**TITLE I**

Passive Extradition

**CHAPTER I**

General Conditions
SECTION 6.- Extraditable offences are offences that are punishable under the laws of Argentina and under the laws of the requesting State, by imprisonment or other deprivation of liberty, for such minimum and maximum terms the semisum of which shall be at least one year.

If a State requests the extradition of a person for several offences, it shall suffice for one of such offences to comply with such condition for the extradition request to be admitted in respect of the others.

Where the request for extradition relates to a person who is wanted for the enforcement of a sentence, extradition shall be granted only if a period of at least one year of such sentence remains to be served at the time the request is submitted.

SECTION 7.- If the offence were provided for in an open-ended criminal provision, the double criminality requirement shall be satisfied in connection with it, even where the non-criminal laws completing the legal description of the punishable act or omission are different.

SECTION 8.- Extradition shall not be admissible in any of the following circumstances:

a) If the offence for which extradition is requested is regarded as an offence of a political nature;

b) If the offence for which extradition is requested is an offence under military criminal law, which is not also an offence under ordinary criminal law;

c) If it is sought in the framework of a process pending before one of the ad hoc commissions prohibited under Article 18 of the Argentine Constitution;

d) If there are substantial grounds to believe that the request for extradition has been made for the purpose of prosecuting or punishing a person on account of that person’s political opinions, nationality, race, religion, or that that person’s rights of defence may be prejudiced for any of those reasons.
e) If there are substantial grounds to believe that the person whose extradition is requested could be subjected to torture or cruel, inhuman or degrading treatment or punishment:

f) If the offence for which extradition is requested carries the death penalty under the law of the requesting State, and the requesting State does not provide sufficient assurance that the death penalty will not be imposed.

SECTION 9.- The following shall not be considered to be political crimes:

a) War crimes and crimes against humanity;

b) Attacks against the life, physical integrity or freedom of a Head of Government or Head of State, or of a member of their family;

c) Attacks against the life, physical integrity or freedom of diplomatic personnel or other internationally protected persons;

d) Attacks against the life, physical integrity or freedom of the population or innocent civil personnel not involved in the violence caused by an armed conflict;

e) Any offence against the safety of commercial or civil aviation or navigation;

f) Terrorist attacks;

g) Crimes in respect of which the Argentine Republic has assumed an international conventional obligation to extradite or prosecute.

SECTION 10.- Extradition shall not be admissible if Argentina is of the opinion that the request, if granted, would prejudice its sovereignty, security, public order or other essential public interests.

SECTION 11.- Extradition shall not be granted in any of the following circumstances:
a) If the criminal action or the punishment have lapsed according to the law of the requesting State;

b) If the person whose extradition is requested has already been tried, in Argentina or in any other country, for the action for which extradition is sought;

c) If the person whose extradition is requested would been considered to be below the age of criminal liability pursuant to Argentine law if such person had committed the crime in Argentina;

d) If judgment has been rendered in absentia and the requesting State does not provide sufficient assurance that the case would be reopened to hear the convicted person, allow him to assert his rights of defence and render a new judgment accordingly;

e) If the requesting State did not provide sufficient assurance that the time during which the person sought is deprived of his liberty during the processing of the extradition shall be considered time served by the extradited person for the proceeding that gave rise to the request.

SECTION 12.- If the person sought were an Argentine national, he may elect to be prosecuted by the Argentine courts, unless a treaty mandating the extradition of nationals is applicable to the case.

The status of Argentine national must have existed at the time the offence was committed and must continue at the time of exercising the option.

Should the Argentine national make use of this option, extradition shall be refused. The Argentine national shall then be prosecuted in Argentina pursuant to Argentine criminal law, provided the requesting State agrees to this, thus waiving its jurisdiction, and forwards all the documentation and evidence necessary for the prosecution.
In the event a treaty that does not provide for the extradition of nationals is applicable to the case, the Argentine Executive, at the time provided for in Section 36, shall resolve whether such option is admissible.

**SECTION 13.-** A request for the extradition of an accused person shall be accompanied by the following:

a) An accurate description of the conduct constituting the alleged offence, including an indication of the time, place and circumstances of its commission and the identity of the victim;

b) The legal classification of the offence;

c) An explanation of the basis to attribute jurisdiction to the requesting State’s courts to prosecute the case, and of the reasons why the criminal action has not yet lapsed;

d) An original or certified copy of the judgment whereby the arrest of the accused person was ordered, with an explanation of the grounds that give rise to the suspicion that the person sought might have been involved in the commission of the crime, and an original or certified copy of the judgment ordering the issuance of the request for extradition.

e) The text of the relevant criminal and procedural provisions of the law applicable to the case, to the extent they are related with the previous paragraphs;

f) Any and all information that may help establish the identity of the person sought, such as name, last name, nicknames, nationality, date of birth, marital status, profession or occupation, individual traits, photographs and fingerprint records, and any information on the person’s place of residence or whereabouts on Argentine territory.
SECTION 14.- If the person sought has been convicted of an offence, in addition to the above requirements, the request for extradition shall be accompanied by the following:

a) An original or certified copy of the judgment setting out the conviction and the sentence imposed;

b) Statement that such judgment was not rendered in absentia and is final. If the judgment was issued in the absence of the person sought, the assurances provided for in Section 11(d) shall be provided:

c) Information about the calculation of the time that remains to be served;

d) Explanation of the reasons why the penalty has not yet lapsed.

SECTION 15.- When two or more States request the extradition of a person for the same offence, the government shall determine which extradition request to authorize, if any. For that purpose, the government shall take into account all the relevant circumstances, such as:

a) Relations governed by extradition treaties;

b) The dates of the relevant requests, and, particularly, the degree of progress made in processing each of the requests;

c) The fact that the offence has been committed on the territory of any of the requesting States;

d) The access that each State may have to the evidence of the offence;

e) The location of the place of residence or business of the person sought, which will allow such person to assert their rights of defence with the applicable safeguards;
f) The nationality of the person sought;

g) The fact that the victim resides in the territory of any of the requesting States;

h) The likelihood of each request for extradition being successful;

i) Whether or not the kind and length of penalties are compatible with Argentine law, and, particularly, that the death penalty is not prescribed for the offence in question.

SECTION 16.- When two or more States request the extradition of a person for different offences, the government shall determine which extradition request to authorize, if any. For that purpose, the government shall take into account all the relevant circumstances, such as:

a) The seriousness of the offences, according to Argentine law;

b) The possibility that after extradition is granted to one of the requesting States, such State can later obtain the re-extradition of the person sought to another one of any such States.

SECTION 17.- Regardless of the preference established by the government, it may process more than one request. In such case, a preferred extradition shall have the effects of an authorized re-extradition.

SECTION 18.- The extradited person may not be prosecuted, persecuted or disturbed, without prior authorization given by Argentina, for previous conduct other than those constituting the alleged offence for which extradition was granted.

If the legal classification of the act or omission constituting the offence for which extradition was granted were subsequently changed during the legal proceedings conducted in the requesting State, the action shall not be
continued unless the new legal classification would have allowed for extradition.

The extradited person may not be re-extradited to another State without a prior authorization given by Argentina. No authorization shall be necessary if the extradited person freely and voluntarily waived such immunity before an Argentine diplomatic or consular authority and represented by counsel.

Such authorization shall not be necessary either where the extradited person does not voluntarily abandon the territory of the requesting State within thirty calendar days, although free to do so, or where the extradited person voluntarily returns to such territory after having left it.

CHAPTER 2

Procedure

1) Administrative Procedure

SECTION 19.- The request for extradition and any subsequent documentation shall be transmitted through the diplomatic channel.

SECTION 20.- If the person sought is a refugee and the request for extradition is presented by the country that caused the person to become a refugee, the Ministry of Foreign Affairs, International Trade and Worship shall return the request without further processing, with a statement of the reasons that prevent processing.

SECTION 21.- In cases that do not involve refugees, the Ministry of Foreign Affairs, International Trade and Worship shall give an opinion on the conditions set forth in sections 3 and 10 above and on the formal requirements of the request. If applicable, such Ministry shall collect any missing documents and information and shall suspend any processing until the requesting State remedies any formal defects.
SECTION 22.- Where the Ministry of Foreign Affairs, International Trade and Worship decides to process the request, it shall forward it to the judicial authorities through the Public Ministry. If the Ministry of Foreign Affairs, International Trade and Worship resolves that the request does not meet any admissibility requirement, the Argentine Executive shall resolve the issue. In the event the Executive should decide to admit it, it shall start its processing. In the event of the Executive’s refusal, it shall return the request to the requesting State through the diplomatic channel, with a copy of the Executive Order whereby such request is refused. The Argentine Executive may delegate such decision to the Ministry of Foreign Affairs, International Trade and Worship.

SECTION 23.- In the case provided for in section 5, last paragraph, the Argentine Executive shall resolve whether to process the request or not. It may be admitted where:

a) The offence for which extradition is requested is part of a significantly more serious punishable conduct, which falls under the jurisdiction of the requesting State and not under Argentine jurisdiction;

b) Where the requesting State has considerably greater opportunities than the Argentine Republic to find evidence of the crime. In the event the request is admitted and extradition is ultimately granted, the case that might be pending before the Argentine courts shall be closed. Should the requesting State so require, copies of the relevant case file shall be forwarded together with any evidence gathered.

SECTION 24.- The proceedings for the administrative procedure governed by this Chapter shall be confidential.

SECTION 25.- The Public Ministry shall represent the interest for the extradition in the judicial process. However, the requesting State may be a party in the judicial process through an attorney-in-fact. Whenever the
prosecutor is notified of a term established by the court for compliance with any requirement on the part of the requesting State, the prosecutor shall promptly serve notice thereof to the diplomatic or consular authorities of such State.

2) Judicial Procedure

SECTION 26.- After the request for extradition has been received, the judicial authorities shall issue an extradition arrest warrant against the person sought, such person had not already been deprived of liberty.

Any laws on exemption from prison or release from prison shall not be applicable to the extradition proceedings, except as otherwise expressly provided in this law.

SECTION 27.- Within 24 hours of the person being arrested, an extradition hearing before the judicial authority shall be conducted. At such hearing, the Judge shall:

a) Inform the arrested person of the details of the arrest and the conditions of the request for extradition;

b) Inform the arrested person of his right to retain counsel or have a court-appointed counsel, unless the court authorizes the arrested person to act pro se;

c) Make note of any relevant statements in connection with the contents of the request for extradition;

d) Ask the person sought whether he agrees with his extradition after consulting with counsel. The court shall inform the arrested person that if that is the case, the judicial proceedings shall be terminated. The arrested person may choose to answer at a later stage. Should the arrested person not speak Spanish, the court shall appoint an interpreter. In the event there should be a
preventive arrest before the request for assistance, the court shall conduct this hearing within 24 hours of the receipt of such request.

SECTION 28.- The person sought may give his free and express consent to be extradited at any stage in the process. The court shall resolve with no further processing. In that case, extradition shall only be granted if the requesting State provides assurances that in the event the person sought should be free from any liability in connection with the offence for which extradition is requested, any expenses for the person’s immediate return trip shall be defrayed by the requesting State. For that purpose, the court shall stay its decision and shall grant a term, not to exceed thirty calendar days, for the requesting State to provide such assurance. The person sought may waive this compensation: in such case, extradition shall be granted with no further delay.

SECTION 29.- Should the court find that the arrested person is not the person sought, the court shall so declare after giving due notice to the prosecutor. In such case, the court shall order the arrest of the right person, if it has information to enable for such search. This decision may be appealed before the relevant federal court of appeals. The appeal shall have a staying effect, but the arrested person shall be set free under bail, after giving due notice to the prosecutor. In such case, the court shall prohibit the person sought from leaving the country.

SECTION 30.- In cases other than the two cases mentioned above, the court shall issue a summons to appear in court. The extradition proceedings shall be conducted in accordance with the rules set forth for criminal proceedings by the Code of Criminal Procedure of Argentina. The timeframe provided for by section 359 of such Code shall not exceed fifteen (15) days. The existence of the crime with which the person is charged or the liability of the person sought may not be debated during the proceeding. The only issues analyzed in this proceeding shall be limited to the conditions required by this law, excluding those provided for in Section 3, Section 5 and Section 10.
SECTION 31.- In the event that, until the moment where judgment is to be rendered, the court finds that any formal requirement in the request for extradition is not met, it shall stay the proceedings and grant a term, not to exceed thirty calendar days, during which the requesting State shall remedy such formal defects.

SECTION 32.- The court shall decide whether the extradition is admissible. If applicable, the court shall also establish whether the surrender of any objects seized under Section 46 hereof is admissible. If the court found sufficient grounds to admit the extradition, the judgment shall be limited to the declaration of the admissibility of the extradition. If the court renders a final decision ruling that extradition is not admissible, the decision shall refuse to grant such extradition and shall be final.

SECTION 33.- The judgment shall be subject to ordinary appeal before the Argentine Supreme Court, as provided for in Section 24(6)(b) of Decree-Law No. 1285/58, and as ratified by Argentine Law No. 14467. The appeal shall have a staying effect; however, if extradition had been refused, the person sought shall be released under bail after giving due notice to the prosecutor. The court shall then prohibit the person sought from leaving the country.

SECTION 34.- Once the judgment is final, the court shall immediately forward a copy of it to the Ministry of Foreign Affairs, International Trade and Worship. If the court has admitted the extradition request, it shall also send a copy of the entire case file to the Ministry of Foreign Affairs, International Trade and Worship.

3) Final Decision

SECTION 35.- If the court has refused to grant the extradition, the Ministry of Foreign Affairs, International Trade and Worship shall notify the requesting State, and shall send a copy of the relevant judgment.
SECTION 36.- Even if the judicial authority has rendered a final decision ruling that the extradition is admissible, the Argentine Executive may refuse to grant the extradition if the circumstances at the time warranted application of the reasons provided for in Sections 3 and 10, or in cases where the option of the Argentine national in the case provided for by Section 12, last paragraph is exercised. The Executive may delegate this power to the Minister of Foreign Affairs, International Trade and Worship. The decision shall be rendered in a term not to exceed ten working days following the receipt of the proceedings forwarded by the court. Upon expiration of the term without the court adopting an express decision, it shall be understood that the Executive has granted the extradition. The final decision shall be communicated promptly to the requesting State through the diplomatic channels. In the event the extradition should be granted, any conditions established in Section 8(f), Section 11(e) and Section 18 shall be included in the related communication, and the person sought shall be surrendered to the requesting State.

SECTION 37.- After a final decision is rendered on the request for extradition, no further requests shall be processed based on the same conduct, except where extradition has not been granted because of absence of jurisdiction of the requesting State to punish the offence that gave rise to the request. In such a case, extradition may be requested by another State that considers it has jurisdiction.

SECTION 38.- The requesting State shall arrange for the transport of the person sought within a term not to exceed thirty calendar days after the date of the official communication. The Ministry of Foreign Affairs, International Trade and Worship extend the term for ten calendar days at the request of the requesting State, in cases where the requesting State unable to arrange for such transport in such timeframe. Upon expiration of the term, if the person sought has not been transported, such person shall be immediately discharged, and the requesting State shall not repeat its request.

SECTION 39.- The surrender of the person sought shall be postponed in the following situations:
a) If the person sought is being criminally tried or is currently effectively serving a penalty of deprivation of liberty, until any such time where the proceeding comes to an end or the sentence is fully served. However, the Argentine Executive may order an immediate surrender where the offence for which extradition was granted is significantly more serious than the offence preventing the surrender or in cases where the delay in the surrender of the person may result in the impunity of the person sought in the requesting State;

b) If the transport may be dangerous for the health of the person sought or of third parties, as a result of a disease, until such risk no longer exists.

CHAPTER 3
Surrender of property and documents

SECTION 40.- The request for extradition and, as appropriate, for preventive arrest may include the seizure of property or documents that are in the possession of the person sought and which are:

a) Evidence of the crime;

b) Instrumentalities of the crime or property obtained as a result thereof.

SECTION 41.- The surrender of such property or documents to the requesting State shall be ordered by the resolution granting the extradition, to the extent that this does not affect the rights of third parties.

SECTION 42.- The surrender shall be ordered even if extradition cannot be granted as a consequence of the death or escape of the person sought.

CHAPTER 4
Expenses

SECTION 43.- All expenses incurred as a consequence of the international transfer of the person sought and of the seized documents or property shall be borne by the requesting State. The remaining expenses shall be borne by the Argentine Republic.
CHAPTER 5

Preventive Arrest

SECTION 44.- The preventive arrest of a person sought by the authorities of a foreign State shall be admissible:

a) where such arrest has been formally requested by an authority of the interested country;

b) where the person intends to enter the country while being pursued by the authorities of a neighbouring country; or

c) where the person is sought by a court of a foreign country through notices posted in the bulletins of the International Criminal Police Organization (Interpol).

SECTION 45.- In the case of subsection a) of the previous section, the formal request for preventive arrest shall be sent through diplomatic channels or through the International Criminal Police Organization (Interpol), and shall specify:

a) The name of the person sought, and all the personal details necessary to identify him and locate him within the country:

b) The date, place and legal classification of the crime:

c) If the person sought is an accused person, the penalty established for the act that gives rise to the request. If the person sought is a convicted person, the unserved portion of the final sentence;

d) The existence of the court order of imprisonment;

e) The commitment to make a formal extradition.

SECTION 46.- The request shall be immediately referred to the competent federal Court and the relevant prosecutor shall be notified.

The Court shall issue the arrest warrant unless the requirements of Section 6 appear prima facie not to have been complied with, and shall inform the Ministry of Foreign Affairs, International Trade and Worship of all steps taken.

SECTION 47.- In the case of Section 44, subsection b), the law enforcement authorities posted at the borders shall immediately make the arrested person available to the competent federal court and shall notify the relevant prosecutor.
The court shall immediately notify the Ministry of Foreign Affairs, International Trade and Worship.

The arrested person shall be released if, within two working days, a diplomatic or consular officer of the foreign country does not request that the arrest be extended. The request shall be filed directly with the court and shall meet the requirements set forth in section 45. The filing of such request shall have the effects of the notification of preventive arrest for the purpose of section 50.

SECTION 48.- In the case of section 44, subsection c), the notices shall comply with the requirements set forth in section 45.

The arrested person shall immediately be made available to the competent federal court, and the relevant prosecutor and the Ministry of Foreign Affairs, International Trade and Worship shall be notified.

SECTION 49.- In all cases of preventive arrest, the court shall hear the arrested person within 24 hours. Where such person does not appoint an attorney of his own, the court shall appoint him one.

The court shall put an end to the arrest if the requirements set forth in section 60 are not complied with prima facie. The court shall then order the person sought not to leave the country and to inform any change of address.

The arrest shall also cease if the arrested person is proven not to be the person sought.

SECTION 50.- The arrested person shall be released immediately or the conditions imposed under the second paragraph of the above section shall cease to apply after thirty consecutive days from the notification of the preventive arrest to the requesting State if such State has not filed the formal request for extradition.

The Ministry of Foreign Affairs, International Trade and Worship may establish a ten-consecutive-day extension at the request of the requesting State, if such State was unable to duly file the request for extradition in a timely fashion.

In the event that the administrative proceedings regarding the formal request for extradition are delayed, the court, at the request of the arrested person, shall establish a term for such arrest to come to an end. The arrested person shall be released immediately or the conditions imposed under the second paragraph of the above section shall cease to apply if the formal request for extradition is not referred to the Courts within such term.

In these cases, the person released may be arrested again for the same crime, provided that a formal request for extradition is received.

SECTION 51.- During the preventive arrest, the arrested person may give its voluntary and express consent to being transferred to the requesting State. The court shall render its decision without further proceedings.
Such transfer shall only be authorized if the requesting State guarantees that, if the person sought is found not guilty of the act that gives rise to the request, it shall pay all expenses for his immediate return trip.

For such purpose, the court shall postpone its decision and shall establish a term, which may not exceed thirty consecutive days, for the requesting State to provide such guarantees.

The person sought may waive such compensation, in which case the court shall authorize the transfer without delay.

SECTION 52.- If the Court decides to authorize the transfer, it shall send a copy of the decision and of the complete file to the Ministry of Foreign Affairs, International Trade and Worship.

The decision to authorize the transfer shall have the same effects as a judgment declaring the extradition admissible.

CAPITULO 6

Re-extradition and Prosecution for Other Previous Acts

SECTION 53.- The authorizations mentioned in section 18 shall only be granted if the crime that gives rise to the request would have resulted in extradition.

The request shall comply with the requirements set forth in sections 13 or 14 and shall be dealt with in accordance with the procedure established for extradition, subject to the following specifications.

SECTION 54.- Re-extradition may be requested by any State interested therein.

Before referring the request to the courts, the Ministry of Foreign Affairs, International Trade and Worship shall hold a hearing conducted by an Argentine diplomatic or consular authority, at which:

a) The extradited person shall be informed of the content of the authorization requested and of the impact that the granting of such authorization shall have on him;

b) The defences raised by the extradited person, with the assistance of attorneys, against the granting of the requested authorization, or his voluntary and express consent to such authorization, shall be documented;

c) The extradited person shall be informed of his right to appoint his own attorney and that, if he fails to do so, the court will appoint him one.
SECTION 55.- The judicial proceedings shall be directly initiated as provided in section 30.

The extradited person shall be represented at trial by his own attorney or by a court-appointed attorney. An Argentine diplomatic or consular authority shall notify the extradited person of the final decision, and shall provide him with a copy of such decision.

SECTION 56. – If the re-extradition authorization has been dealt with through the channel referred to in section 17, the Ministry of Foreign Affairs, International Trade and Worship may revoke such authorization, on the grounds set forth in sections 3 and 10, provided that the authorized act has not been performed.

CHAPTER 7
Extradition in Transit

SECTION 57.- An authorization for extradition in transit shall be requested when, while carrying out an extradition granted by another country, the extradited person must travel through Argentine territory.

SECTION 58.- If air transportation is used, the authorization shall only be necessary when there is a planned stopover in Argentine territory.

SECTION 59.- The request shall be accompanied by:

a) A copy of the request for extradition that gives rise to the transit;

b) A copy of the communication notifying the granting of the extradition that gives rise to the transit.

SECTION 60.- The authorization shall be granted by the Ministry of Foreign Affairs, International Trade and Worship.

It shall only be denied on the grounds established in sections 3 and 10.

SECTION 61.- While in transit in Argentina territory the person being transported shall be held in custody by the Argentine authorities shall hold the person being transported in custody. The requesting State shall reimburse Argentina for all expenses incurred as a consequence of such custody.

TITLE 2
Extradition as a Requesting State
SECTION 62.- Argentina shall request the extradition of a person where such extradition is prima facie admissible under the laws of the country where the person sought is located.

If the case involves a transfer, the rules established in connection with such transfer shall apply.

SECTION 63.- In order to request the extradition of an accused person, the court trying the case shall issue an arrest warrant containing an accurate description of the facts, the relevant legal classification and the grounds for suspecting that the person sought has participated in the crime.

SECTION 64. – If the extradition sought is denied by the foreign country due to a reason that renders the prosecution of the case in that country appropriate, the Argentine Executive shall decide whether to accept such prosecution.

In the event the Argentine Executive decides to accept it, the foreign country, at its own request, shall be sent copies of the court file kept and of the evidence collected.

SECTION 65. – The courts shall send the extradition requests to the Ministry of Foreign Affairs, International Trade and Worship. Before referring such requests, the Ministry shall decide whether they are admissible and shall request that the relevant requirements be met.

SECTION 66. – The term of deprivation of liberty required by the extradition process shall be counted as provided in section 24 of the Argentine Penal Code.

PART III

ASSISTANCE IN THE INVESTIGATION AND PROSECUTION OF CRIMES

SECTION 67.- The admissibility of the requests made by a foreign authority for assistance in the investigation and prosecution of crimes is governed by sections 3, 5, 8, 9 and 10.

Section 68.- Assistance shall be provided even if the act that gives rise to such assistance does not constitute a crime in Argentina.

However, such act must constitute a crime in Argentina if the assistance sought involves the seizure of property, search of premises, surveillance of persons, postal interception or phone tapping.

SECTION 69.- The request for assistance shall be submitted through diplomatic channels and shall include the following information:

a) Authority that issued the request;
b) A clear description of the crime that gives rise to the request, with precise references to the date, place and situation in which it was committed, and the particulars of the perpetrator and the victim;

c) The legal classification of the crime and the penalty applicable to such crime;

d) The purpose of the request and such information about the circumstances as may be useful to ensure the effectiveness of the assistance:

e) The particulars of the officers and representatives of the parties who have been authorized by the requesting State to participate in the requested proceedings. Such participation shall be accepted to the extent that it does not conflict with Argentine law.

SECTION 70.- In cases where there are requests for assistance, the administrative proceedings shall be similar to the proceedings set forth for extradition requests, with the following special rules.

SECTION 71.- If the Ministry of Foreign Affairs, International Trade and Worship decides to pass on the request, it shall refer it to the Ministry of Justice.

SECTION 72.- If the granting of the request may hinder a pending criminal investigation in Argentina, the execution thereof may be postponed or limited. Such postponement or limitation shall be informed to the requesting State.

SECTION 73.- The conditions and manner in which the requested measures shall be implemented shall be governed by the Argentine laws.

If the requesting State is interested in a specific condition or manner of implementation, it shall expressly inform of such interest. In such case, the request shall be granted as long as no constitutional guarantees are violated.

SECTION 74.- The Ministry of Justice shall refer the request to the relevant authority, depending on the type of assistance requested.

Such Ministry may schedule the postponements and establish the conditions referred to in sections 72 and 73, and it shall decide whether to authorize the persons mentioned in section 69, paragraph e).

If the assistance requires the participation of a court, the Public Ministry shall defend the interests of the State requesting assistance during the court proceedings.

SECTION 75.- Any request for the purpose of summoning an accused person, a witness or an expert witness to appear before an authority of the requesting State shall be sent at least 45 days before the date of the hearing.
The summons shall be notified without the application of the penalties set forth in the Argentine laws, unless the person summoned has received an advance payment for travel expenses.

In this case, if the person summoned does not appear before such authority, he shall be punished in Argentina as if he were a witness who does not appear before a similar Argentine authority.

SECTION 76.- If the request consists in the transfer of a person who is deprived of his liberty in Argentina so that he may appear before an authority of the requesting State, such transfer may only be authorized if the person sought gives his voluntary and express consent thereto, with the assistance of an attorney.

The requesting State shall hold the transferred person in custody and shall immediately transfer him back after the proceedings that gave rise to the request.

SECTION 77. – The person appearing in response to the summons before the relevant authority of the requesting State may not, without Argentina’s prior authorization, be prosecuted, persecuted or disturbed, in connection with a crime committed before the request for assistance was processed, except in the situations provided for in the last two paragraphs of section 18.

The authorization shall be governed by sections 53 to 55.

SECTION 78.- If the request is for an accused person, a witness or an expert witness to make a statement in Argentina, the summons shall be issued including the penalties established in the Argentine laws.

SECTION 79.– If the request requires the provision of official documents or information, such request may be granted to the extent that such documents or information would be provided to a similar Argentine authority.

SECTION 80.- The sending of original documents or property may be made conditional upon the return thereof.

SECTION 81.- Property storage expenses, postage and handling charges, travel expenses, and fees of expert witnesses resulting from the execution of the request shall be borne by the requesting State.

PART IV

SERVICE OF SENTENCES

TITLE I

Service of Sentences Imposed Abroad
CHAPTER I
Penalties of Deprivation of Liberty

SECTION 82.-Penalties of deprivation of liberty imposed on Argentine nationals by a foreign court may be served in Argentina subject to the conditions set forth below.

SECTION 83.-The request for transfer may be submitted by the convicted person, by third parties on behalf of the convicted person, or by the sentencing State.

SECTION 84.-The Ministry of Justice shall decide on the request for transfer.

In doing so, it shall have regard to all the circumstances that enable it to assume that the transfer shall further the purposes of the sentence, especially in terms of the links that the convicted person may have in Argentina by reason of family relationships or residence.

If the request is denied, the Ministry of Justice may refrain from stating the reasons for such denial.

If the request is approved, the Ministry of Justice shall refer the case to the court of competent jurisdiction for enforcement of the sentence and shall forward the case records.

SECTION 85.—In order for a request for transfer to be granted, the following conditions must occur:

a) The convicted person must be Argentine at the time the request is submitted;

b) the sentencing judgment rendered in the foreign country must be final;

c) the person convicted must have freely and expressly consented to its transfer before Argentine diplomatic or consular authorities, on the advice of legal counsel and after being informed of the consequences;

d) the unserved portion of the sentence must be at least two years at the time the request is submitted;

e) the convicted person must have made good, to the fullest possible extent, any damage caused to the victim. For the purpose of granting the transfer, it shall not matter if the conduct at issue is not an offence under Argentine law.
SECTION 86.-If the request for transfer is submitted by the convicted person directly or through third parties, the Ministry of Justice shall request from the sentencing State, through diplomatic channels, the following records:

a) A copy of the judgment imposing the sentence;

b) a description of the circumstances surrounding the offence for which the person was sentenced, if they are not stated in the judgment;

c) a statement indicating that the sentence is final, the period that remains to be served and the precise date and time on and at which it is to be served;

d) complete information about whether the convicted person has made good any damage caused to the victim to the fullest possible extent, and on the convicted person’s behaviour in the prison where such person served its sentence;

e) a statement that the sentencing State could agree to the transfer on the conditions set forth herein.

At the same time, it shall open a file containing all the evidence gathered by the party requesting the transfer that is relevant to the purposes provided for in the second paragraph of Section 84.

SECTION 87.-Requests for transfer made by the sentencing State must be submitted through diplomatic channels.

The request must contain, in addition to the documents listed in the section above, the consent given by the convicted person as provided in Section 85(c).

SECTION 88.-The transfer shall be approved on the following conditions:

a) The sentence shall be served pursuant to the laws and regulations effective in Argentina, including parole rules;

b) only the sentencing State may revise the sentence or grant amnesty, pardon or commutation of the sentence;

c) Argentina shall immediately release the transferred person upon receipt of an order to that effect from the sentencing State;

d) the person transferred shall enjoy the immunity provided for in Section 18;

e) Argentina shall inform the sentencing State from time to time of the status of service of the sentence.

SECTION 89.-The transfer shall be made in a place and on a date to be agreed upon. Argentina shall bear any and all expenses incurred from the time the transferred person is held in its custody.
CHAPTER 2

Suspended Execution of Sentence or Parole

SECTION 90.- Where a convicted person is released on suspended execution of sentence or granted parole by a foreign court, such convicted person may serve the terms thereof under the supervision of Argentine authorities.

SECTION 91.- The request must be submitted through diplomatic channels and contain the following:

a) A copy of the final judgment imposing the sentence;

b) complete information about whether the convicted person has made good any damage caused to the victim to the fullest possible extent;

c) accurate information about the date on which the convicted person will travel to Argentina, and about the issuance of a visa as appropriate;

d) a description of the duties undertaken by the convicted person and the supervision required to be exercised by Argentine authorities in connection therewith, specifying the actual date on which such supervision is to cease.

SECTION 92.- Argentine convicted persons may submit the request directly or through third parties on their behalf.

To the extent relevant, the procedures set forth in Section 84 shall apply to any such request.

SECTION 93.- The Ministry of Justice shall decide on the request.

It shall not grant the assistance requested if the duties undertaken by the convicted person or the supervision measures required violate Argentine laws.

If assistance is granted, the case shall be referred to the relevant court of competent jurisdiction for such court to order, decide on and monitor the enforcement of the supervision measures.

SECTION 94. – Argentina shall inform the sentencing State from time to time of the status of the supervision tasks.

Furthermore, it shall inform the sentencing State forthwith if the convicted person fails to comply with the duties undertaken, so that the sentencing State may adopt the relevant measures.

CHAPTER 3
SECTION 95.-Penalties consisting in fines or seizure of property imposed in a foreign country may be enforced in the Argentine Republic, at the request of the respective foreign court, where:

a) the offence falls within the jurisdiction of the requesting State, pursuant its own laws;

b) the sentence is final;

c) the conduct on which the sentence is based constitutes a punishable offence under Argentine law, even where the penalties provided therefore are not the same;

d) the circumstances provided for in Section 8(a) and (d) do not occur;

e) the penalty has not been barred as provided by the law of the requesting State;

f) the convicted person has not been prosecuted in Argentina or in any other country for the conduct on which the request is based;

g) the convicted person has been personally summoned and its defence has been guaranteed;

h) the reasons specified in Section 10 are not applicable.

Assistance shall not consist in the imposition of imprisonment in lieu of the payment of fines.

SECTION 96.-The Ministry of Foreign Affairs, International Trade and Worship may agree with the requesting State, on a reciprocity basis, that the Argentine Republic shall retain a portion of the proceeds or property obtained as a result of the execution process.

SECTION 97.-The request must be submitted through diplomatic channels.

The administrative proceedings shall be similar to those provided for in connection with requests for assistance in investigation and prosecution of offences.

In the court proceedings, interest in the execution shall be represented by the Public Ministry.

SECTION 98.-Court proceedings shall be governed by the rules related to ancillary proceedings provided for in the Argentine Code of Civil and Commercial Procedure.
During the course of such proceedings, precautionary measures may be issued.

If the court orders the enforcement of a sentence, the rules governing the enforcement of Argentine sentences under such Code shall be observed.

**SECTION 99.**—Fines shall be enforced by requiring the payment of the amount and fulfilment of the terms set forth in the sentencing judgment. The amount shall be converted to Argentine currency according to Argentine law and practices.

**SECTION 100.**—Any extraordinary expenses incidental to the enforcement shall be borne by the requesting State.

**SECTION 101.**—The proceeds or property obtained shall be deposited to the order of the Ministry of Foreign Affairs, International Trade and Worship, which shall transfer or surrender such proceeds or property to the duly accredited authorities of the requesting State.

**CHAPTER 4**

Disqualification of Sentences

**SECTION 102.**—Disqualification of Sentences imposed in a foreign country may be enforced in the Argentine Republic, at the request of the respective foreign court, on the conditions set forth in Section 95.

**SECTION 103.**—The request must be submitted through diplomatic channels.

The administrative proceedings shall be similar to those provided for in connection with requests for enforcement of fines or seizure of property.

In the court proceedings, interest in the enforcement shall be represented by the Public Ministry.

**SECTION 104.**—Court proceedings shall be governed by the rules related to ancillary proceedings provided for in the Argentine Code of Civil and Commercial Procedure.

If the relevant conditions are met, the necessary measures for giving effect to the disqualification sentence in Argentina shall be ordered.

**TITLE II**

Service Abroad of Sentences Imposed in Argentina

**CHAPTER I**
Penalties of Deprivation of Liberty

SECTION 105.-Penalties of deprivation of liberty imposed by an Argentine court on a foreign national may be served in the country of which such person is a national.

The request may be submitted by the convicted person, by third parties on the convicted person's behalf or by the State of such nationality.

SECTION 106.-The procedures and conditions set forth in Sections 83 to 89 shall apply.

The Ministry of Justice shall not decide on the transfer of the convicted person unless:

a) the convicted person has freely and expressly consented to its transfer before the court enforcing the sentence, on the advice of legal counsel and after being informed of the consequences;

b) the court enforcing the sentence has held that the condition set forth in Section 85(e) has been met, after a hearing to which the victim has been summoned.

CHAPTER 2

Parole

SECTION 107.-A person granted parole by an Argentine court may serve the parole terms in a foreign country under the supervision of such country’s authorities.

The conditions set forth in Sections 91 to 94 shall apply.

SECTION 108.-The request must be submitted to the court enforcing the sentence.

The decision to request assistance from the foreign country shall be governed by the provisions of Section 62 and 65.

CHAPTER 3

Fines, Seizure of Property and Disqualification

SECTION 109.-The Argentine authority that imposes a fine, seizure of property or disqualification may request that the sentence be enforced in a foreign country.
The conditions set forth in Sections 95 to 101 shall apply.

SECTION 110.-The decision to request assistance from a foreign country shall be governed by the provisions of Sections 62 and 65.

The Ministry of Foreign Affairs, International Trade and Worship may agree with the requesting State, on a reciprocity basis that the Argentine Republic shall retain a portion of the proceeds or property obtained as a result of the execution process.

PART V

JURISDICTION

SECTION 111.-Extradition cases shall be heard by federal courts in criminal matters having territorial jurisdiction over the place of residence of the person sought and which are on duty at the time the case is referred. If the place of residence is unknown, or if there is more than one and they are located in different jurisdictions, the Ministry of Foreign Affairs, International Trade and Worship may choose between any of the federal courts having jurisdiction over such places and a federal court for the City of Buenos Aires, provided that the chosen court be on duty at the time the case is referred.

SECTION 112.-The same rules provided for in the above section shall apply to formal requests for preventive arrest.

The court that has carried out the preventive arrest proceedings shall carry out the proceedings related to the extradition request.

SECTION 113.-Cases involving provisional arrests made without prior court intervention shall be heard by the federal court in criminal matters having territorial jurisdiction over the place where such arrest is made and which is then on duty.

Such court shall also decide on the extradition request.

SECTION 114.-If the same person is subject to several extradition requests, all such extradition requests shall be decided upon by the court that first acted thereon.

SECTION 115.-In the case provided for in the second paragraph of Section 37, jurisdiction shall be exercised by the court that acted upon the first request.

SECTION 116.-Whenever extradition is denied by reason of nationality, jurisdiction over the case to be pursued against the national shall be exercised by the court that acted upon the extradition.
SECTION 117.—Requests for re-extradition or for authorisation of prosecution of an extradited person for conduct that took place before the granting of extradition shall be handled by the court that carried out the extradition proceedings on which such requests are based.

SECTION 118.—Regarding the matters provided for in Sections 82 and 90, the Ministry of Justice shall refer the case to the national penal enforcement court that, in the Ministry’s discretion, is appropriate for furthering the purposes of Section 82 or for ensuring that supervision tasks are carried out effectively and expeditiously, provided that such courts are on duty at the time the case is referred.

SECTION 119.—The matters provided for in Sections 95 and 102 shall be acted upon by the federal court in criminal and correctional matters for the City of Buenos Aires whenever the convicted person’s residence is not established within the Argentine territory. If the convicted person’s residence is established in Argentina, such matters shall be acted upon by a federal court in criminal and correctional matters having jurisdiction over the location of such residence.

PART VI

TEMPORARY AND FORMAL PROVISIONS

SECTION 120.—The procedural provisions under this law shall apply to pending extradition proceedings, provided that the case has not been set for the submission of evidence.

If the proceedings continue to be governed by the rules of the Code of Penal Procedure (Law No. 2372), Section 31 hereof shall apply. Once a final judgment has been entered, Sections 35 to 39 shall also apply.

SECTION 121.—Any procedural acts performed prior to the entry into force hereof in accordance with the procedural rules hereby superseded shall remain valid.

SECTION 122.—The provisions of Sections 23, 39(a), second paragraph, and 64 shall apply when a case to be heard by Argentine courts is subject to federal jurisdiction. Such provisions shall also apply to cases subject to provincial jurisdiction, to the extent that the provinces agree thereto.

SECTION 123.—Law No. 1612 and Sections 646 to 674 under Title V, Part Two, Volume Four of the Code of Penal Procedure (Law No. 2372) are hereby repealed.

SECTION 124.—This law shall become effective thirty days after its publication.

SECTION 125.—Notice of this law must be given to the Executive.
DONE IN THE SESSIONS ROOM OF THE ARGENTINE CONGRESS, IN BUENOS AIRES, ON DECEMBER 18, 1996.

REGISTERED UNDER No. 24767-


TRANSLATED FROM SPANISH. Buenos Aires, 25 de julio de 2007.-
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