



ARGENTINA

The Judicial System

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Ministerio de Justicia y Derechos Humanos
Secretaría de Justicia y Asuntos Legislativos

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Judicial Reform Program
Programa de Apoyo a la Reforma del Sistema de Justicia BID 1082/OC-AR

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Map of Argentina



FOREWORD

The objective of this work is to present the Argentine Judicial System, in its national and provincial aspects. The indicators and statistics used give a clear picture of the inner workings and dimension of the judicial structure. A thorough investigation has been carried out in order to give the public the most accurate information as possible. To achieve this mission the information offered is of a quantitative and qualitative nature; budget and workload indicators are also included. It is important to point out that the cooperation given by all the judiciaries in the country has been a key element in completing this initiative.

This is not an isolated endeavor, it is part of an ambitious program aimed at improving the judicial system. The judicial reform is one of the main goals of the Ministry of Justice and Human Rights and requires the coordinated work of all those involved. Thus, taking into consideration the independence of the judicial branch, numerous projects are being developed that attempt to strengthen and modernize it. They are divided in several areas of interest.

Access to Justice is one of these areas; the focus here, is on improving the relationship between the citizenship and the judiciary. The activities currently underway are: Access to Justice and Legal Education Manuals, in conjunction the Bar Association of the Federal Capital, a Registry of Centers that provide free legal assistance and counseling, and Legal Orientation Centers to be established in strategic locations with high levels of public attendance.

One of the projects directly related with this publication is the Argentine Justice Internet Portal www.justiciaargentina.gov.ar , a website that enables quick and easy access to all the Judiciaries' websites, their statistical information, and other important and relevant elements that have to do with their daily activities.

The purpose of this document is, in essence, to improve the access to information about the national and provincial judicial system, to allow for a better understanding for all the citizens, which strengthens the democratic institutions.

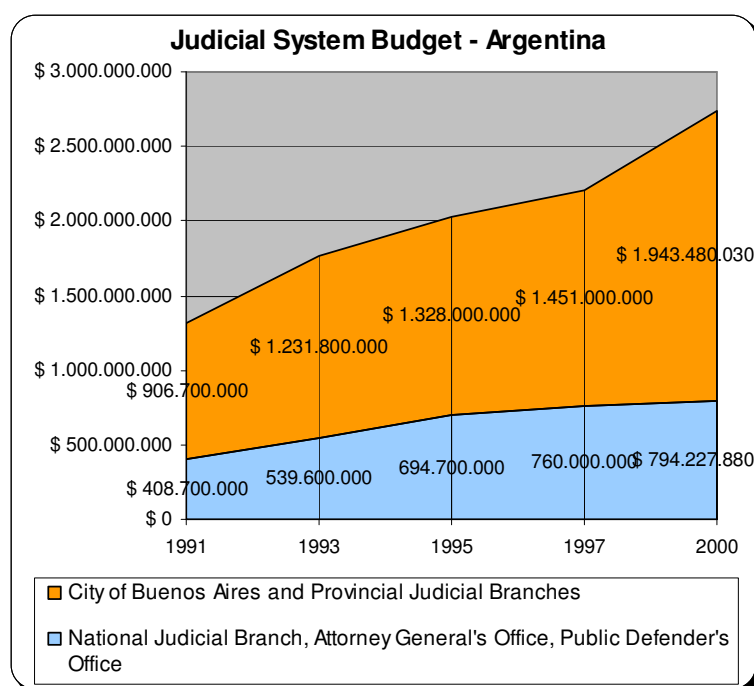
THE JUDICIAL SYSTEM¹

General Information

- ♦ **Total population:** 37,031,802²
- ♦ **Urban population:** 33,166,105³
- ♦ **Rural population:** 3,865,697
- ♦ **Capital city:** Buenos Aires
- ♦ **Capital city population:** 3,046,663⁴
- ♦ **Public sector budget⁵:**

Federal Government Budget	\$ 51,232,366,227 ⁶
Public sector Consolidated Budget⁷	\$ 86,975,230,505
Gross Domestic Product (GDP)	\$ 297,543,000,000⁸

- ♦ **Judicial system budget:**



¹ Information provided by the Programa Integral de Reforma Judicial (Judicial Reform Program) of the Ministry of Justice and Human Rights. www.reformajudicial.jus.gov.ar

² Estimated year 2000, last census 1991. Source: Ministry of Economy, National Institute for Statistics and Census. (INDEC)

³ Source: Ministry of Economy, National Institute for Statistics and Census. (INDEC)

⁴ Estimated year 2000, last census 1991. It is estimated that during the day, the population of the city grows to aprox. 5,000,000 due to the movement of people that live in the outskirts of the city but work there. Source: Ministry of Economy, National Institute for Statistics and Census. (INDEC)

⁵ 1 U\$S = 1 peso

⁶ Federal Government budget. This figure does not include each province's individual budget. Year 2000

⁷ This figure includes the Federal Government budget, the budget of each province and the city of Buenos Aires. Year 2000

⁸ Year 2000. Source: Ministry of Economy

National Judicial Branch (Includes Prosecutors and Public defenders)	\$ 794,227,880
Provincial and City of Buenos Aires Judicial Branches	\$ 1,943,480,030
Ministry of Justice	\$ 94,870,365
Federal Penitentiary Service ⁹	\$ 239,513,295
TOTAL Judicial System	\$ 3,072,091,570¹⁰

Argentina is a Republic and has adopted the federal form of government¹¹. The authorities that comprise the Federal Government reside in the city of Buenos Aires, these include the Executive branch (the President of Argentina), the Legislative branch (the Congress) and the Judicial branch (the National Judicial Branch or National Court System).

The Argentine Judicial System comprises the National Judicial Branch, the provincial Judiciaries and the City of Buenos Aires Judicial Branch, the Attorney General's Office, the Public Defender's Office, the Ministry of Justice and Human Rights and the Federal Penitentiary Service. There are other support organizations that collaborate in this area.

Ministry of Justice and Human Rights¹²

The Ministry of Justice and Human Rights assists the President in all matters related to legal and human rights counseling, rendering legal advice and opinions, upon request, to the President, as well as in coordinating the State's activities in this area, assists in the relationship with the Judiciary and in updating legislation.

Among the services rendered to the community it is within the jurisdiction of the Ministry to participate in:

- ♦ The cooperation with the National Judicial Branch with an integral judicial reform, which implies giving technical assistance and technological developments to improve the work done by this branch of government.
- ♦ The organization and incorporation of associations, corporations and partnerships, the authorization to function of foundations and associations, and their supervision.

⁹ The Federal Penitentiary Service is charge of the administration of all federal prisons. It is under the jurisdiction of the Ministry of Justice and Human Rights

¹⁰ This figure reflects the country's total expenditure in Judicial services, because it includes the 25 different and independent judicial branches that exist in Argentina. The Federal Government budget specified above includes the National Judicial Branch. Year 2000

¹¹ Article 1 of the Constitution

¹² www.jus.gov.ar

- ♦ The organization, management and supervision of the registry of property rights, the registry of trademarks and patents and the registry of criminal records
- ♦ In judicial matters where human rights and refugees are affected.
- ♦ The organization, management and supervision of prisons and correctional facilities and their welfare services. Striving for the necessary improvements to accomplish the social rehabilitation of prison inmates.
- ♦ The preparation and execution of judicial reform projects assisted by international organizations.

The Ministry of Justice and Human Rights has an important library with a registry of approximately 180,000 volumes, a unique collection of all the legislation records ever published, and extensive collections of national, provincial and municipal legislation, jurisprudence and doctrine. It also manages a legal information website (www.jus.gov.ar/minjus/links.html) which has been on-line since 1995, one of the pioneers in the area.

Secretary of Justice and Legislative affairs¹³

The Secretary of Justice and Legislative affairs works under the Minister of Justice and Human Rights and its major functions include:

- ♦ Assisting the Minister of Justice and Human Rights with its links to the National Judicial Branch in matters dealing with its organization, appointment of Judges and magistrates, in the organization of the Public Ministry and in the appointment of its employees as determined by law.
- ♦ Planning and executing actions directed at coordinating the State's activities in matters of Justice and Human Rights, through the development of various projects, programs, or any other measure directed at achieving the objectives set by the Ministry.
- ♦ Directing studies of international law and common markets as well as coordinate international cooperation activities, directing studies about the development of alternative dispute resolution mechanisms.
- ♦ Taking part in extradition proceedings, in cases against employees of the Ministry, or when charges are brought against members of the Public Ministry.
- ♦ Participating in judicial reform projects
- ♦ Drafting and implementing modifications in judicial procedure and criminal legislation
- ♦ Drafting projects for legislation reform and update.
- ♦ Evaluating legislation projects drafted in other areas of the Executive Branch in order to advise the Minister on their feasibility or viability.
- ♦ Assisting the Minister in overseeing the state of legislation concerning the jurisdiction of the Ministry of Justice and Human rights passing through Congress.
- ♦ Conduct studies about rules and principles in legislation drafting.

¹³ www.sejus.jus.gov.ar

- ♦ Assembles the Argentine Juridical Digest which consolidates all current national legislation and its regulations, the aim of this Digest is the correct application of the law in judicial procedures, avoiding unnecessary efforts in the search for relevant information

Undersecretary for Justice and Legislative Affairs

The Undersecretary is in charge of managing several national registries: the automobile, the housing registry, the copyright registry, and the commerce registry for enterprises and companies.

National Office of Alternative Dispute Resolution Methods (Dirección Nacional de Promoción de Métodos Participativos de Justicia)¹⁴

The National Office of Alternative Dispute Resolution Methods works under the jurisdiction the Secretary of Justice and Legislative affairs. Its main purpose is to mediate those cases in which people's conflicts are voluntarily submitted for mediation. It also serves as a training and education institution, whereas mediators from the rest of the country are trained so they can successfully apply these skills in their hometowns thus extending the effective area of influence of the ADR system. It gives technical assistance to the provinces with the objective of instating mediation in the Federal Courts with seat in the rest of the country.

Maintains a registry of all licensed mediators and issues new licenses according to the procedure set in Law No. 24.573. Keeps up-to-date statistical records of all cases mediated and types of settlements reached.

Judicial Reform¹⁵

The "Programa Integral de Reforma Judicial" or Integral Judicial Reform Program functions within the jurisdiction of the Secretary of Justice and Legislative affairs. This Program is aimed at elaborating judicial reform initiatives and coordinating existing ones for all the Argentine Judicial System; it does not limit itself to the National Judicial Branch, but rather its goal is to work in conjunction with those involved in the system all over the country. It's actions are focused in seven areas of interest:

1. access to justice
2. court management and organization
3. judicial training and education
4. administrative reforms
5. legislative reforms
6. Infrastructure (technology & buildings)
7. creation of consensus

¹⁴ www.pmp.jus.gov.ar

¹⁵ www.reformajudicial.jus.gov.ar

These areas reflect the different aspects of the judicial system that need to be reviewed and reformed, to that end, several reform projects have been formulated and are currently in various stages of execution. This program maintains a very close working relationship with various civil organizations dedicated to the improvement and modernization of the Judiciary, such as ARGENJUS¹⁶ which is a consortium of the most important and prominent NGO's in this particular sector. These types of relationship have a significant influence in building consensus in society and help raise the level of awareness about the current situation in the system and the need of a comprehensive reform.

The "Junta Federal de Cortes y Superiores Tribunales de Justicia de las Provincias Argentinas" or The Federal Board of Supreme Courts of Justice of the Argentine Provinces also plays an important role in the judicial reform started by the Ministry. This organization congregates the majority of the Supreme Courts of the Argentine provinces which form a unified front with common objectives and goals for the future. They help coordinate projects between the Judicial Reform Program and the provincial judiciaries in order to bring about the judicial reform of all the judicial systems in the country.

Thanks to this collaboration, two agreements between the majority of the Judicial Branches and Public Ministries of the country have been signed. They are: The Interjurisdictional Electronic Communications Agreement and the Information System for the Argentine Judiciary Agreement. These agreements constitute an historic event in the modernization of the judicial system, they will bring many benefits, among them, they shall speed up communications between different judiciaries through the use of e-mail and digital signature, and they will permit a great improvement in the generation of statistical information so that it can then be better employed by the courts. One of the first by-products of these agreements was the inauguration of the Argentine Justice Portal www.justiciaargentina.gov.ar . Through this website people can access in a fast and simple way the websites of all Judicial Branches and Public Ministries of the country. Thanks to the agreements the domain names of these websites were changed to follow a uniform standard making them easier to type and remember.¹⁷

Support Program for the Judicial System Reform – BID Loan OC-AR 1082

The purpose of this Program is to support the judicial system reform process through the financing of projects that will contribute to the development of an efficient and accessible judicial system, that is more reliable and independent.

The agreement between Argentina and the Banco Interamericano de Desarrollo (BID) was signed in February 18th 1998.

Essential goals of the Program

- Create a system to register and control cases through the internet.
- Increase the number of judicial actions started by the Attorney General's Office.
- Suggest modifications to the mandatory pretrial mediation system.
- Increase the offer of public legal counseling.

¹⁶ www.argenjus.org.ar

¹⁷ The Domain Names consist of the prefix "jus" and the name of the jurisdiction. For example the Judicial Branch of the Province of Cordoba is www.juscordoba.gov.ar

- Create a strategic annual document on Crime Prevention for its distribution.

Description of the Program

For the achievement of the purposes and goals the Program has supported projects grouped in these three subprograms or areas:

- Judicial protection
- Support to the design and execution of crime prevention and access to justice policies.
- Provincial judiciaries and legislation.

Judicial protection

This subprogram includes two components:

- ♦ The strengthening of the Procuracion del Tesoro de la Nacion through the development of an integrated judicial services management system and a new information system.
- ♦ The strengthening of the Attorney General's Office through legal modifications, improvements to the financial and administrative management system and the human resources department, the development of new information systems and education.

Support to the design and execution of crime prevention and access to justice policies

This subprogram includes four components:

- Development of mediation as an alternative dispute resolution method
- Improvement in access to justice for the underprivileged, through the institutional and technical development of the Public Defender's Office, the creation and implementation of new information systems and training for the professional and administrative personnel.
- Strengthening of the necessary information systems for the design and execution of crime prevention programs and policies through the development of the technical capabilities of the National Crime Policy Agency, the support to the design and implementation of information systems for crime prevention. Surveys on victimization shall be conducted in order to determine the extent of unreported crimes and to contribute to policy making.
- Incorporation of technology for the penitentiary service through the development of information systems that allows the full observance of inmates' rights, and control of prison terms.

Provincial judiciary and legislation

This subprogram includes:

The modernization of the provincial judicial administration, will be developed by the Junta Federal de Cortes y Superiores Tribunales de Justicia de las Provincias Argentinas (Juntas). Its execution will include the creation of the Instituto para el Mejoramiento de la Justicia Provincial (Institute for the Improvement of Judicial System)

PROJUM – Model Court Development project

The main purpose of this project is to design and implement a new court management and organization model aimed at improving their effectiveness according to a pre-defined set of indicators, as well as to stimulate a process of judicial modernization that serves as a model for future experiences in the National Judicial Branch.

This project comprises the implementation of twelve (12) model courts, 10 of which reside in the City of Buenos Aires and 2 in the Provinces – in the city of Resistencia (Province of Chaco) and Mar del Plata (Province of Buenos Aires).

Secretary of Criminal Policy¹⁸

The Secretary of Criminal Policy is in charge of:

- The design of crime prevention policies
- The conduction of studies and investigations of criminal statistics
- The publication of the National Criminal Policy Plan
- The execution of projects for the Minister of Justice and Human Rights
- The execution of crime prevention projects in conjunction with the United Nations

Undersecretary for Penitentiary Affairs

The main objectives followed by this office were set by the National Decree No. 426 of 1995 (National Penitentiary Policy Plan) and they are:

- ♦ legislation reform
- ♦ prison architecture reforms
- ♦ treatment of inmates
- ♦ education and training of penitentiary personnel
- ♦ national and regional integration

These focus areas can be summarized in the fundamental objective followed by this office: to bring about the reform of the Federal Penitentiary Service and the integration and coordination with other penitentiary services around the country.

Undersecretary of Human Rights¹⁹

The functions of this sub-secretary include:

- ♦ Elaborating reports on how to improve the interpretation and application of the courts of the International law of human rights
- ♦ Intervening in the drafting of responses to the requirements of international organizations in cases dealing with complaints of violation of human rights against Argentina.
- ♦ Collaborating in the drafting of reports on the situation in the country of human rights that Argentina must present before the International Human Rights Treaties and Conventions supervising committees.

¹⁸ www.jus.gov.ar/minjus/spcya/default.htm

¹⁹ www.derhuman.jus.gov.ar

Anti-Corruption Office²⁰

The Anti-Corruption Office encourages austerity in all government offices. Controls the formation of monopolies in public expenditures, avoids the creation of "cartels" that damage the State. It's most visible and fundamental function is to investigate cases of corruption in the government and present them to the proper authorities. Keeps records of sworn affidavits of the assets and properties, and past employment of all public officials in order to avoid compatibility and conflict of interest issues or to detect possible cases of wrongdoing and corruption.

Procuracion del Tesoro de la Nacion

It is an independent entity that is part of the Executive Branch, its administrative structure and budget are included in Ministry of Justice's structure and budget.

Its main functions are:

to assist the President in legal issues, to represent and provide legal counseling to the State in court, to develop investigations and administrative inquiries, to have oversight in cases where the State is party and to direct the State's Lawyer Corps.

The Procuracion del Tesoro has 223 employees, being the Procurador General the highest authority. The Procurador has technical independence to carry out his duties

AMIA - Special Investigative Unit

This Unit was created on July 14th 2000 to help in the investigation of the terrorist attack to the Argentine-Israelite Mutual Association (AMIA) perpetrated on July 18th 1994. The members of this Special Unit come from every law-enforcement agency and from the Attorney General's Office. It is headed by the Secretary of Justice and Legislative Affairs. To insure that a fair trial is conducted, one in which all guarantees are upheld and where due process is maintained, there have been infrastructure modifications to the courthouse and the latest technological advances have been incorporated. These elements shall facilitate the search for the truth, which has always been a priority of the Ministry of Justice.

Name of Entity	Ministerio de Justicia y Derechos Humanos (Ministry of Justice and Human Rights)
Functions	Assists the President in everything inherent to legal counseling and coordination of the activities of the State in that area, its relations with the Judicial Branch, and to bring up to date the legislation. Develops and executes plans, programs and policies related to the defense of human rights and the fight against corruption in the Public Sector. Is responsible for the organization, administration and

²⁰ www.jus.gov.ar/minjus/oac/oa.htm

	supervision of federal penal institutions and correctional facilities. Organizes and executes Judicial Reform projects in conjunction with international institutions.
Size (# employees)	Ministry of Justice and Human Rights: 1,498 Federal Penitentiary Service: 8,120 Total: 9,618
Head	Ministro de Justicia y Derechos Humanos
Appointment of head, chief or principal	Appointed by the President of Argentina

Judicial system structure

The Judicial System in Argentina consists of 25 separate and independent Judicial branches or court systems. These are: The National Judicial Branch, established and maintained by the Federal Government, the judicial branches or courts of the 23 provinces and the courts of the city of Buenos Aires²¹. Therefore the territory of city of Buenos Aires is under the jurisdiction of the National Judicial Branch as well as the jurisdiction of the city's courts²². The following description focuses on the National Judicial Branch.

Argentine Judicial System – summary information²³

Total Judges: 4029
Total Cases started: 3,500,000 (aprox.)
Budget / case started: \$ 782,2
Cases started / Judge: 869
Budget / inhabitant: \$73,9

Further information about the Provincial judiciaries can be accessed at the following web addresses:

www.jusbuenosaires.gov.ar	Provincia de Buenos Aires
www.juscatamarca.gov.ar	Provincia de Catamarca
www.justiciachaco.gov.ar	Provincia de Chaco
www.juschubut.gov.ar	Provincia de Chubut
www.justiciacordoba.gov.ar	Provincia de Córdoba
www.juscorrientes.gov.ar	Provincia de Corrientes
www.jusentrieros.gov.ar	Provincia de Entre Ríos
www.jusformosa.gov.ar	Provincia de Formosa
www.justiciajujuy.gov.ar	Provincia de Jujuy
www.juslapampa.gov.ar	Provincia de La Pampa
www.juslarioja.gov.ar	Provincia de La Rioja
www.jusmendoza.gov.ar	Provincia de Mendoza
www.justiciamisiones.gov.ar	Provincia de Misiones
www.jusneuquen.gov.ar	Provincia de Neuquén
www.jusrionegro.gov.ar	Provincia de Río Negro

²¹ The Argentine Constitution was reformed in 1994 whereupon the city of Buenos Aires (Capital city of the country and seat of the Federal Government) acquired a new legal status equal to a province.

²² The courts of the National Judicial Branch that are located in the city of Buenos Aires have jurisdiction over almost every judicial matter but there is a project to transfer these courts to the city's judicial branch. This project has met some serious resistance from the judges, who refuse to be transferred

²³ Source: Judicial Reform Program, Information: Supreme Court, Ministry of Economy

www.justiciasalta.gov.ar	Provincia de Salta
www.jussanjuan.gov.ar	Provincia de San Juan
www.justiciasanluis.gov.ar	Provincia de San Luis
www.jussantacruz.gov.ar	Provincia de Santa Cruz
www.justiciasantafe.gov.ar	Provincia de Santa Fe
www.jussantiago.gov.ar	Provincia de Santiago del Estero
www.justierradelfuego.gov.ar	Provincia de Tierra del Fuego
www.justucuman.gov.ar	Provincia de Tucumán
www.jusbaires.gov.ar	Ciudad Autónoma de Buenos Aires

The National Judicial Branch²⁴

The National Judicial Branch is formed by the Supreme Court, The Magistrate Council, the Jury of Prosecution, and the first instance and appellate courts in their respective matters. It's specific mission is to solve, through decisions, sentencing – or following other procedures set by law- the litigious questions that are submitted to it.

There are separate and different "Fueros" in the National Judicial Branch, each one of them is headed by the appellate court of its particular subject or matter, which have oversight and superintendency functions over the first instance courts of the same "fuero". These "fueros" or matters are further divided into Ordinary and Federal jurisdictions. The Ordinary jurisdiction handles the common judicial matters in the City of Buenos Aires, this jurisdiction comprises the following subjects: Criminal, Civil, Commerce and Labor courts. The Federal Jurisdiction is also divided in different "fueros" or according to the subject or matter. There are Federal Courts which have a seat in the City of Buenos Aires and Federal Courts located in the rest of the country. The following Federal courts are situated in the City of Buenos Aires: the Federal Criminal Courts, the Federal Civil and Commerce Courts, the Federal Administrative Courts, the Social Security Courts and the Economic Criminal Courts. The Federal Courts located around the country can hear cases on multiple subjects and are not differentiated by subject matter as is the case in Buenos Aires.

All the judges hold their office during good behavior, but they have to retire at age 75.

The Supreme Court of Argentina is the highest court in the country, it is comprised of 9 members, which are: the chief justice or president of the supreme court and 8 associate judges. The Supreme Court exercises its jurisdiction through appeals in all matters regulated by the Constitution and in the laws passed by the Congress²⁵, but has original and exclusive jurisdiction in cases where ambassadors, ministers and consuls are involved, and where provinces are party²⁶. As the highest court, the Supreme Court is also the governing body of the Judicial branch, but the Magistrate Council is in charge of the administration of the Judicial branch and the selection of judges.

²⁴ www.pjn.gov.ar

²⁵ Constitution, article 117

²⁶ Constitution, article 116

The Magistrate Council is in charge of the administration of the National Judicial Branch and the selection of judges, it also has authority to take disciplinary action against judges, to start removal procedures of judges and accuse them before the Jury of Prosecution, to dictate the necessary regulations for the organization of the Judiciary and to insure the judge's independence and the provision of an efficient service. It is also in charge of organizing a Judicial School and other functions set by the Constitution and the law.

The Magistrate Council is comprised of twenty members or councilmen:

- a. the chief justice of the Supreme Court
- b. four judges
- c. eight legislators (four senators, four representatives)
- d. four lawyers
- e. one member from the Executive Branch
- f. two members from the academic and scientific field

They have a four year term with the possibility of reelection for one additional term.

The removal of judges is handled by the Jury of Prosecution which comprises nine members:

- a. three judges (one Supreme Court Justice and two Appeals Courts judges)
- b. three legislators (two from the senate, one from the house of representatives)
- c. three lawyers

This Jury has the capacity to prosecute the first instance and appellate court judges, following the procedure established in article 115 of the Constitution. The proceedings are public and oral. It is formed every four years when Congress enters its regular sessions.

Its decision cannot be appealed having the effect of removing the judge from the bench; but the convicted party can be subject to prosecution, judgment and conviction before ordinary courts according to the law.

The Public Ministry²⁷

The Public Ministry is an entity separate from the Judicial branch, it is an institution created and regulated by the Constitution in its article 120, which was included in the Constitutional reform of 1994. The Office of the Attorney General and the Public Defender's Office are the two offices that constitute the Public Ministry. The Office of the Attorney General directs and coordinates the work of all the prosecutors while the Public Defender's Office does the same with the public defenders. The prosecutors and public defenders have the rank of magistrates and they carry out their duties performing different legal

²⁷ www.mpf.gov.ar

functions during the various judicial procedures. To this end the Constitution establishes that the Public Ministry is an independent and autarchic entity of the government.

Attorney General's Office

The Attorney General's Office is headed by the Attorney General who has a double mission. On one side he is the prosecutor before the Supreme Court and is involved in all the judicial matters that said Court handles, issuing his opinion in the cases that are brought before him. On the other he is the head or chief of all prosecutors, and as such he coordinates their performance, establishing the state's policies for crime.

The Attorney General has one of the essential missions carried out by the State, which is the prosecution of those who have committed crimes before the courts, and to act in defense of legality, the constitutional supremacy and the general interests of society before the courts. This is clearly stated in article 5 of the Criminal Procedure Code (Código Procesal Penal de la Nación)

The role of the prosecutors is to interpose before the judges, through all the stages of judicial proceedings, those legal measures deemed necessary to uphold and guarantee the full observance of those laws that concern the public order.

Public Defender's Office

The Public Defender's Office is also an independent institution within the government, and was created by the Constitution (article 120) which also regulates its functions.

The mission of the Public Defender's Office is to act in defense of legality and the general interests of society. It shall promote or intervene in any case or judicial matter, and require all the necessary measures to protect the wellbeing and goods of minors and incapable or legally disqualified individuals, in accordance to the law, whenever they should lack proper legal assistance or representation; when is necessary to replace or substitute the inaction or inactivity of their legal assistants, representatives, parents, relatives or those in charge of the minor or incapable individual; to oversee the actions of the aforementioned people.

Its essential function is to carry out the State's responsibility to ensure proper legal assistance to all citizens involved in criminal proceedings, as well as the representation of minors and legally disabled individuals.

The public defenders shall:

- ♦ represent and defend the public interest in all the cases and matters that are required by law.
- ♦ Promote the civil action in such cases set by law

- ♦ Intervene in marriage annulments, divorce proceedings, filiation proceedings, and in all cases having to do with the legal status of people, their name, declarations of poverty.
- ♦ Defend the rights of people when it is required in criminal cases or in other matters when the defendants have no means or are absent.
- ♦ Defend and uphold the human rights in prisons, courts, police precincts and psychiatric institutions, in order to guarantee that inmates, or those who are put in these institutions are treated with respect, are not subject to torture, inhuman or degrading treatment, and have access to immediate medical and legal assistance.
- ♦ Intervene in all judicial proceedings whereupon argentine citizenship is applied for.

The Public Defender's Office is headed by the National Public Defender, who is also public defender before the Supreme Court. The Public Defender's Office shall assure that in all instances and judicial proceedings in which the public and official defense is exercised, the parties with opposing interests involved shall have proper assistance, and when the nature of the case so requires it shall designate several public defenders. The National Public Defender coordinates the action of all the public defenders, he also dictates the general regulations and mandates necessary to establish an adequate distribution of functions and work among the defenders and lastly, he oversees and monitors their performance.

Functional organization of the Judicial system

Name of Entity	Poder Judicial de la Nación (National Judicial Branch or National Court System)
Functions	The role of the judiciary is to decide cases and controversies between adversarial parties, including the government.
Size (# employees)	18,528 ²⁸²⁹
Head or Governing Body	Supreme Court
Appointment of head, chief or principal	Judges of the Supreme Court are selected by the President of Argentina and then they are confirmed by the Senate. The President of the Supreme Court is elected by the other members in a ballot.

ADMINISTRATION & SELECTION OF JUDGES - National Judicial Branch	
Name of Entity	Consejo de la Magistratura de la Nación (Magistrate Council)
Functions	The Magistrate Council is the organism in charge of the administration of the National Judicial branch and the selection of judges. It is an integral part of the National Judicial Branch
Size (# employees)	1,481 ³⁰³¹
Head	President of the Supreme Court

²⁸ Source: Supreme Court

²⁹ Total employees (including judges, clerks, administrative staff, etc.) in 2000

³⁰ Source: Ministry of Economy, Annual Budget

³¹ These employees are included in the National Judicial Branch description. See 11

Appointment of head, chief or principal	Judges of the Supreme Court are selected by the President of Argentina form a list compiled by the Magistrate Council and then they are confirmed by the Senate.
First instance and Appellate Court Judges	They are selected by the Council of Magistrates after a selection process which includes background checks and oral and written examinations. The results from top three candidates are sent to the President who then designates the chosen one who shall be confirmed by the Senate.

REMOVAL OF JUDGES – National Judicial Branch	
Name of Entity	Jurado de Enjuiciamiento (Jury of Prosecution)
Functions	In charge of bringing to trial judges of the lower courts (Appellate courts and first instance courts) according to article 115 of the Constitution.
Size (# employees)	100 ³²
Head	Vice-President of the Supreme Court
PUBLIC MINISTRY	
Name of Entity	Procuración General de la Nación (Office of the Attorney General)
Functions	In charge of representing and defending the public interest through its prosecutors, before the courts.
Size (# employees)	2,143
Head	Procurador General de la Nación
Appointment of head, chief or principal	Appointed by the President of Argentina and confirmed by the Senate

PUBLIC MINISTRY	
Name of Entity	Defensoría General de la Nación (Public Defender's Office)
Functions	In charge of representing and defending the poor, juveniles, and absents; providing the public defense and any legal assistance required, not only to people with little or no income but also to those who refuse to designate an attorney, whereupon the Federal Government has the obligation to guarantee their right to have a proper defense.
Size (# employees)	872
Head	Defensor General de la Nación
Appointment of head, chief or principal	Appointed by the President of Argentina and confirmed by the Senate

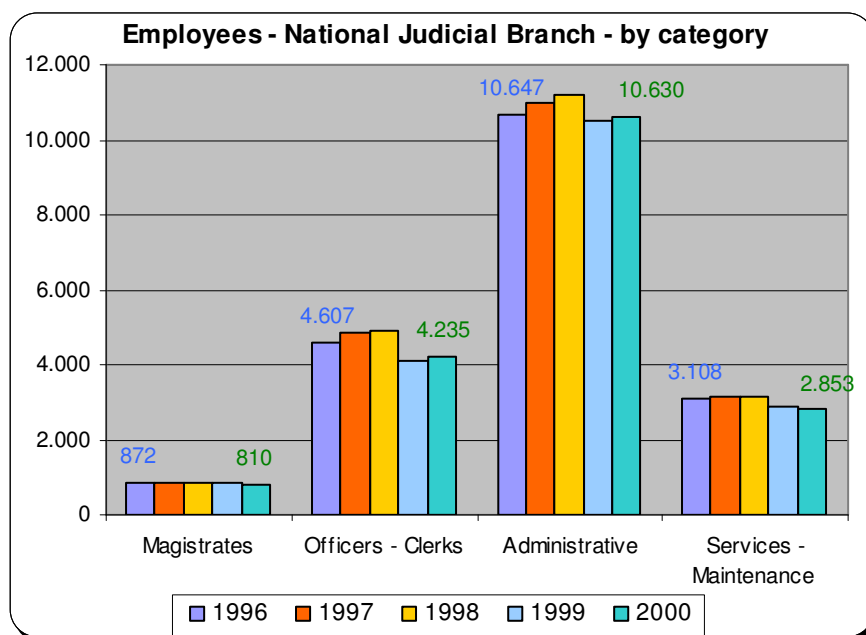
Quantitative Information

This information has been processed and analyzed by the Judicial Reform Program, further information can be accessed at: www.reformajudicial.jus.gov.ar

Judicial System Size

³² Source: Ministry of Economy

The following information refers to the National Judicial Branch³³:



Source: Judicial Reform Program, Supreme Court

Number of Judges	810
Number of officers/clerks	4,235
Number of Support personnel*	10,630
Services and other personnel	2,853
Total	18,528

The following information was provided by the Supreme Court and the Ministry of Economy

Supreme Court	
Judges	9
Officers/Clerks	192
Support personnel*	193
Other personnel	

The information specified below refers only to courts of the National Judicial Branch that have seat in the city of Buenos Aires. The numbers below

Criminal courts³⁴ (Fuero Penal)	
Appeals courts judges	16
First Instance judges	71

³³ Source: Supreme Court – Year 2000

³⁴ This information includes the Juvenile Criminal Courts.

Officers/Clerks	296
Support personnel*	569
Other personnel	218

Civil Courts (Fuero Civil)	
Appeals courts judges	39
First Instance judges	110
Officers/Clerks	349
Support personnel*	1,185
Other personnel	365

Commerce law Courts (Fuero Comercial)	
Appeals courts judges	15
First Instance judges	26
Officers/Clerks	147
Support personnel*	530
Other personnel	120

Labor Courts (Fuero Laboral)	
Appeals courts judges	30
First Instance judges	80
Officers/Clerks	292
Support personnel*	883
Other personnel	229

Economic Crimes Courts (Fuero Penal Económico)	
Appeals courts judges	6
First Instance judges	8
Officers/Clerks	52
Support personnel*	130
Other personnel	57

Federal Courts with seat in the City of Buenos Aires

Administrative Courts (Fuero Contencioso Administrativo)	
Appeals courts judges	15
First Instance judges	12
Officers/Clerks	83
Support personnel*	225
Other personnel	51

Social Security Courts (Fuero de la Seguridad Social)	
Appeals courts judges	9
First Instance judges	10
Officers/Clerks	47
Support personnel*	161
Other personnel	57

Federal Criminal Courts (Fuero Criminal y Correccional Federal)	
Appeals courts judges	6
First Instance judges	12
Officers/Clerks	96
Support personnel*	254
Other personnel	39

Federal Civil and Commerce law Courts (Fuero Civil y Comercial Federal)	
Appeals courts judges	15
First Instance judges	11
Officers/Clerks	71
Support personnel*	169
Other personnel	44

* Support personnel perform jurisdictional and administrative tasks aiding judges, clerks and officers.

Judicial Career

Both the "Organic Law of the National Judicial Branch" and the "National Justice Decree" regulate the organization of the National Judicial Branch³⁵. The Judicial career is regulated by the Supreme Court, the Magistrate Council and the different Appeals Courts. The Judicial Career is not fully regulated in the National Judicial Branch. It extends from the entry into the system up to the rank of "prosecretario" (deputy clerk). Promotions are handled by the different Appeals courts, the nominees being chosen by the judges. The nominations are made according to a ranking prepared by the Appeals Courts, these rankings take into account grades obtained in promotion exams and years of service. Clerks are designated by the Appeals Courts and the nominee, who must meet certain requirements is also chosen by the judge.

The Judges have no judicial career, the selection process is handled by the Magistrate Council by means of an examination. This procedure applies to first instance judges and to appellate courts judges. Once

³⁵ The provinces have different regulations but those differences are not substantial.

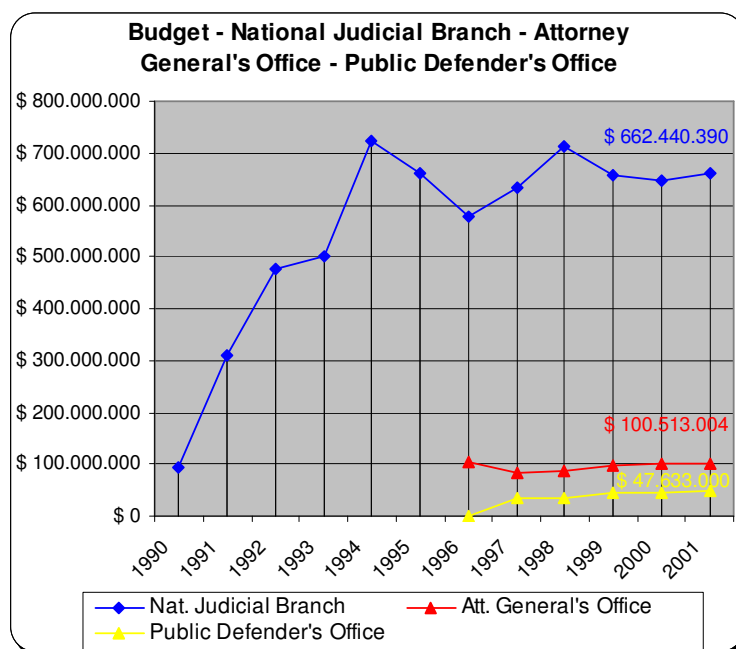
confirmed by the Senate, the judges have a lifetime term, or during good behavior. Therefore the judicial career is only applicable to officers and clerks and all the ranks below them. The Appeal Courts are in charge of further regulating and applying the judicial careers of the clerks and employees in these and the lower courts.

Judges are appointed by the President and are confirmed by the Senate. Judges of the same category, shall be paid equally. They cannot be removed as long as they have good behavior. The requirements for appointment to the Supreme Court are: Argentine citizenship, law degree from a national university, 8 years of practice and be 30 years old. The requirements for appointment to a first instance judgeship are: Argentine citizenship, law degree, 4 years of practice and be 25 years old.

The President of Argentina appoints the judges to the Supreme Court and they are confirmed by the Senate.

Budget Information³⁶

National Judicial Branch (Includes Prosecutors and Public defenders)	\$ 794,227,880
Provincial and City of Buenos Aires Judicial Branches	\$ 1,943,480,030
Total Judicial System (without Ministry of Justice)	\$ 2,737,707,910
"/ 100.000 inhabitants	\$ 7,392,856
% of Public Sector Consolidated budget	3.148 %
% allocated to salaries	87,47% ³⁷



Source: Judicial Reform Program, and the Supreme Court

³⁶ For the year 2000

³⁷ This figure is for the National Judicial Branch, in other jurisdictions (i.e. other provinces) this proportion varies slightly. For example in the province of Santa Fe, 98% of the budget is destined to personnel.

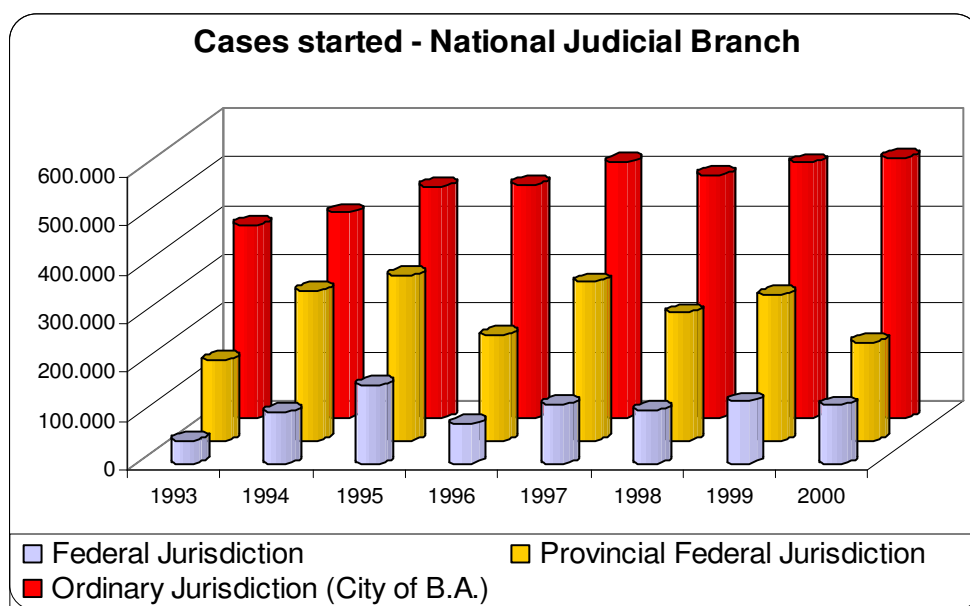
Auto-financing Methods of the Judicial branch

In 1990 The Law of Autarchy³⁸ (Economic self-sufficiency) gave the Supreme Court power to have at its disposal the National Court System's assets and also to regulate the way those assets are collected and managed. After its reform in 1994 the Constitution gave the Magistrate Council the authority to manage those assets and to execute the budget of National Court System. The aforementioned law affects certain funds to finance the courts. Part of these funds come from the National Treasury and the rest come from other specific sources of income. These specific sources are of different kinds:

1. Collection of the Judicial Fee³⁹ which has to be paid in order to file suit. The Judicial Fee contributes \$101,572,000⁴⁰ to the National Court system's budget.
2. Sale or rental of goods and real estate, property of the National Judicial Branch or sequestered goods from criminal procedures that have been confiscated or else cannot be reinstated to their legitimate owners.
3. Interests from investments and money deposits in financial institutions ordered by the courts with funds of the parties in a trial.
4. Collection of monetary fines and other funds originated during the course of court procedures.
5. Donations and funds obtained through investments and any other source.

The last four items mentioned above represent a total of \$13,340,000⁴¹ in the National Court system's budget.

Work load⁴²



³⁸ Law No. 23853

³⁹ Regulated by Law No. 23898

⁴⁰ Source: Ministry of Economy year 2000

⁴¹ Source: Ministry of Economy Year 2000

⁴² Source: Supreme Court, Annual Report, 1998, 1999, 2000

The following information refers only to courts of the first instance that have a seat in the city of Buenos Aires.

Civil cases

The first instance Civil courts hear all controversies within civil laws that have not been attributed to other courts.

	1998	1999	2000
Cases started	96,485	86,440	80,380
Cases solved with judgement or similar ruling	35,581	42,547	35,618
Cases terminated without sentence	31,323	29,514	24,787
Total cases decided	66,904	72,061	60,869
Paralyzed	4,198	13,216	10,947
Pending	463,309	452,550	478,973

Civil cases (family)

Family courts handle those situations that directly affect the family nucleus, such as adoptions, divorces, succession proceedings, inheritances.

	1998	1999	2000
Cases started	26,467	27,240	27,876
Cases solved with judgment or similar ruling	5,832	6,745	6,116
Cases terminated without sentence	7,377	8,748	11,994
Total cases decided	13,209	15,493	18,352
Paralyzed	78	3,844	688
Pending	81,322	86,611	96,808

Commerce law cases

The first instance Commerce Courts have jurisdiction over all matters under Commerce Law. This concerns mainly, summary and execution proceedings, bankruptcy proceedings, and questions dealing with corporations and enterprises.

	1998	1999	2000
Cases started	138,934	153,011	160,229
Cases solved with judgement	3,993	3,913	3,757
Total cases decided	79,724	95,229	107,904
Archived	17,120	25,243	25,841
Paralyzed	75,687	75,439	90,763
Pending	299,228	344,305	381,872

Labor cases

The jurisdiction of Labor Courts is to hear cases that originate from employment contracts and their terms, worker's unions, cases between employers and employees, labor disputes, dismissals and compensations, workplace accidents, etc.

	1998	1999	2000
Cases started	16,512	19,072	20,321
Cases solved with judgement	25,716	22,765	18,859
Total cases decided	34,410	31,379	27,147
Conciliated	6,030	5,541	5,364
Pending	48,127	37,022	32,245

Federal Civil and Commerce cases

Federal Civil and Commerce courts shall hear cases on intellectual and industrial property, transportation (air, sea and land) lawsuits against the State and its organizations.

	1998	1999	2000
Cases started	6,792	8,453	10,992
Cases solved	26,042	15,439	13,720
Pending cases	41,220	35,772	35,472

Federal Administrative cases

Federal Administrative Courts have jurisdiction over controversies that originate from the application of administrative law, administrative contracts⁴³, customs administration, taxes, etc.

	1998	1999	2000
Cases started	42,402	47,621	41,368
Final decision/judgement	18,048	22,138	22,142
Cases solved	31,538	27,352	36,354
Pending cases	236,906	260,764	269,094

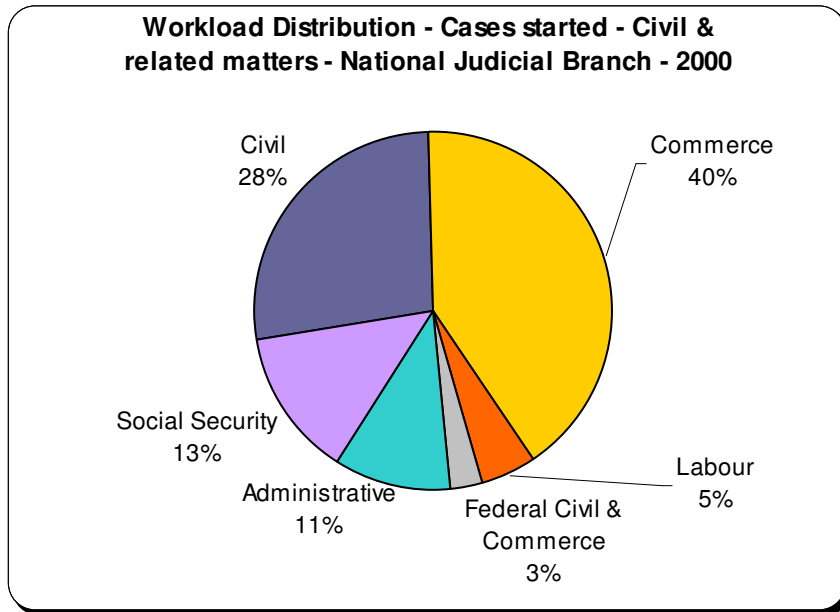
Social Security cases

The Federal Social Security Courts handle cases on national and private retirement and pension funds and all matters related.

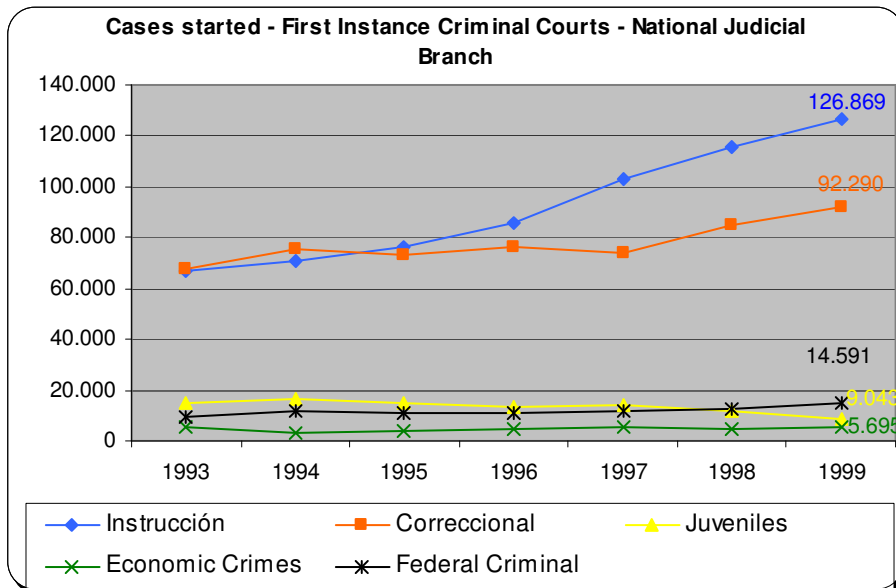
	1998	1999	2000
Cases started	47,950	56,155	52,085
Final decisions/ judgements	18,086	25,269	23,349
Total cases solved	39,017	44,779	54,282

⁴³ Contracts in which the State is party

Pending cases	66,609	79,395	79,574
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Criminal Cases



Federal Criminal cases

	1998	1999	2000
Cases started	12,576	14,591	14,978
Cases dismissed	4,748	6,727	7,757
Cases decided	71	36	28

Total cases solved	12,360	14,091	14,595
Pending cases	5,118	5,809	6,444

Juvenile cases

Juvenile Courts hear criminal cases where minors under the age of 18 are involved. Crimes that are sanctioned with prison terms of up to 3 years shall be tried by these courts when they are committed by juveniles.

	1998	1999	2000
Cases started	11,867	9,043	7,652
Cases dismissed	1,310	1,553	1,684
Cases decided	1	2	2
Total cases solved	11,912	9,222	8,001
Pending cases	2,392	2,255	1,993

Criminal (Investigation) cases

Criminal (Investigation) Judges handle the investigation of crimes that do not come under the jurisdiction of juvenile courts or "Correccional" Courts. This includes crimes sanctioned with 3 or more years in prison. When the investigation is over, and there is sufficient evidence against those charged with committing a crime, these judges send the cases to the Trial Courts.

	1998	1999	2000
Cases started	116,255	126,869	135,852
Cases dismissed	7,324	8,079	6,313
Sent to Trial Courts	3,333	4,295	5,124
Total Cases solved	111,213	124,634	135,434
Pending cases	14,492	17,303	18,340

Economic Crime cases

These courts have jurisdiction over frauds to commerce and industry and frauds with bank checks. It also has jurisdiction over customs and tax evasion, smuggling and contraband. Other crimes described in special laws fall under the jurisdiction of these courts.

	1998	1999	2000
Cases started	5,363	5,695	5,232
Cases dismissed	460	645	575
Sent to Trial Courts	206	300	310
Cases decided	96	68	60
Total Cases solved	4,438	5,308	5,208
Pending cases	5,550	6,116	6,318

“Correccional” cases

“Correccional” judges investigate and decide over cases involving crimes sanctioned with less than 3 years of imprisonment and cases not sanctioned with prison terms of their specific jurisdiction.

	1998	1999	2000
Total ingresadas	85,703	92,290	92,714
Sobreseimiento	5,186	4,600	6,905
Sentencia	503	570	545
Total Resueltas	86,215	91,040	97,969
Total Pendientes	23,765	25,929	21,412

Other information

ADR (Alternative Dispute Resolution) System

In 1996 with the passing of Law N°24,573 by the National Congress, mandatory pretrial mediation was instated in the City of Buenos Aires. It was gradually extended to all federal courts in the country. According to the law, all matters are included with the exception of criminal cases, labor cases, cases where the Federal Government is involved, writs of habeas corpus, bankruptcy cases and voluntary trials. There are two ways to carry out the mandatory mediation; the so-called “official mediation” where the court appoints a mediator or the “private” mediation where the parties involved choose a mediator by mutual accord.

Also in 1996 by virtue of Law N°24,635, mandatory conciliation was introduced for all labor cases. The Ministry of Labor through the Mandatory Labor Conciliation Service (SECCLO – Servicio de conciliación obligatoria) is the agency in charge of enforcing this law. The service started in 1997. The law states that if the conciliation fails, the conciliator may propose that both parties submit themselves to arbitration, but this is rarely used.

Although there are some differences between the systems described above, they are both based on the same philosophy of negotiation, use of registered mediators and regulated fees.

Mandatory Mediation information⁴⁴:

Presented mediations

	1996	1997	1998⁴⁵	1999

⁴⁴ Source: Ministry of Justice and Human Rights

⁴⁵ Private mediation began in 1998. This is reflected in the drop of presented mediations because private mediations are not accounted for.

Civil cases	24,455	36,916	26,324	14,211
Commerce law cases	9,964	13,130	9,493	5,272

Mediated cases

Civil cases	1996	1997	1998	1999
With Agreement	8,235	11,259	7,295	3,610
Without Agreement	10,122	15,345	11,664	7,364
Total	18,357	26,604	18,959	10,974

Commerce law cases	1996	1997	1998	1999
With Agreement	2,641	2,859	2,021	1,063
Without Agreement	2,651	3,679	3,037	2,142
Total	5,292	6,538	5,058	3,205

Mandatory Labor Conciliation Service information⁴⁶:

	Cases filed	Total Cases solved	With Agreement	Without agreement
1997*	12,155	11,481	5,720	5,719
1998	35,007	35,133	14,542	20,575
1999	38,145	39,224	14,715	34,501

*In 1997 the system started working in September.

Lawyers

Number of Bar Associations: There are 76 Bar Associations in Argentina

Number of Lawyers registered in Bar Associations: There 64,000 lawyers according to the Argentine Federation of Bar Associations (*FACA – Federación Argentina de Colegios de Abogados*) that groups all the Bar Associations except The Public Bar Association of the Federal Capital (*CPACF – Colegio Público de Abogados de la Capital Federal*). And 64,438 registered lawyers in the CPACF, which is the largest Bar Association in Argentina, and is located in the city of Buenos Aires. This means a total of approximately 128,000 lawyers.⁴⁷

Law Schools: There are 34 law schools in Argentina: 20 private institutions and 14 public institutions.

Enrolled students: 151.218⁴⁸

Graduated students: 101.181⁴⁹

Average years of study to obtain a law degree: 5 years

⁴⁶ Source: Ministry of Labor

⁴⁷ This number is probably lower due to the fact that many lawyers are registered in more than one Bar Association.

⁴⁸ Source: Ministry of Education. State universities (does not include private universities). However, there is a high level of desertion. 1998

⁴⁹ Source: Ministry of Education. State universities (does not include private universities). 1998

Appendix

Ministry of Justice and Human Rights (Ministerio de Justicia y Derechos Humanos) –
www.jus.gov.ar
Sarmiento 329
Telephone: (54-11) 4328-3015/3016

Secretary of Justice and Legislative Affairs (Secretaría de Justicia y Asuntos Legislativos)
www.sejus.jus.gov.ar
Sarmiento 329 – 7th floor (cfe.) Telephone: (54-11) 4328-8340 / Fax 4328-8056 Int. 2753/4/5/6

Judicial Reform Program (Programa Integral de Reforma Judicial) www.reformajudicial.jus.gov.ar
Sarmiento 329 3rd Annex floor Telephone: (54-11) 4322-0962, e-mail: reformajudicial@jus.gov.ar

Programa de Apoyo a la Reforma del Sistema de Justicia BID 1082/OC-AR
UEC: Sarmiento 329, 3rd floor Annex
Telephone: 4328-4406/4184

PROJUM – Model Court Development Project <http://projum.jus.gov.ar>
Sarmiento 329 3rd floor (Annex)
Telephone (54-11)4327-5039

Anti-corruption Office (Oficina Anticorrupción)
Sarmiento 329 3rd floor – (fte.) Telephone: 4328-2069 / 4328-0531 Int. 2351/53/54/67 Fax Int
2355/2309

Secretary of Crime Policy (Secretaría de Política Criminal)
Sarmiento 329 4th floor (fte.)
Telephone: (54-11) 4328-7321/2 Int. 2402/2403/2412/2416 Fax Int. 2413

Federal Penitentiary Service (Dirección Nacional del Servicio Penitenciario Federal)
Lavalle 2705
Telephone: (54-11) 4962-0204 / 4964-8300 / Fax 4962-5001

Under-secretary of Human Rights (Subsecretaría de Derechos Humanos)
Moreno 1228 – 2nd floor
Telephone: (54-11) 4381-0897/4571

National Office of Alternative Dispute Resolution Methods (Dirección Nacional de Promoción de
Métodos Participativos de Justicia) www.pmp.jus.gov.ar
Sarmiento 329 – 1st y 2nd Floors (Annex)
Telephone: (54-11) 4322-0961/0953 Fax 4322-0944

National Judicial Branch (Poder Judicial de la Nación) www.pjn.gov.ar
Talcahuano 550
Telephone: (54-11) 4371 - 0452 / 1029 / 1755 4374 - 7755 / 9473

Attorney General's Office (Procuración General de la Nación). www.mpf.gov.ar
Guido 1577
Telephone: (54-11) 4812-2060/2058
Avda. de Mayo 760
Telephone: (54-11) 4338 – 4000/4300/4409/4402/4441/4442

Public Defender's Office (Defensoría General de la Nación) www.dgn.org.ar
Avda. Callao 970
Telephone: (54-11) 4814 – 8417/18

