



Organización de los Estados Americanos
Organização dos Estados Americanos
Organization des États Américains
Organization of American States

17th and Constitution Ave., N.W. • Washington, D.C. 20006

September 9, 2002

Dear Dr. De Michele:

On behalf of the Secretariat of the Follow-up Mechanism for Implementation of the Inter-American Convention against Corruption, I am writing to you in your capacity as representative of the coordination unit for all matters relating to replies to the questionnaire adopted by the Committee of Experts of the aforementioned Mechanism and as the expert designated to represent the Argentine Republic in that Mechanism.

I should like, first, to convey through you our thanks for Argentina's prompt response to the questionnaire.

As you know, Article 23 a) of the Committee's Rules of Procedure provide for the Secretariat preparing the draft preliminary report.

With that in mind and in order to achieve a better grasp and accurate interpretation of Argentina's replies to the questionnaire, as we are required to if we are to fulfill the function assigned to us in the Rules of Procedure, I hereby request you kindly to clarify the following specific points in the aforementioned replies:

1. On page 3 there is a section entitled "general comments," which mentions "government agencies with specific competence in the areas under discussion that will be analyzed by the Committee of Experts." Here, we would be grateful if you could explain the range or percentage of civil servants this refers to and at what government level (Federal and/or provincial).

2. On pages 9 and 10, in respect of the National General Audit Office, the Office of the Ombudsman, and the Tribunal for Trying Judges accused of Malfeasance, it is stated that "no breaches of codes of conduct have been recorded." Here, we would be grateful if you could explain whether that means that there are no statistics on breaches or, on the contrary, that such statistics are indeed kept and show no such breaches. If the latter is meant, please could you let us know what period is covered by those statistics and, if possible, let us have a copy of the statistical data available?

Doctor:

ROBERTO DE MICHELE

Director of Transparency Policies Planning

Anticorruption Office

Ministry of Justice, Security, and Human Rights

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3. Page 14 states, in connection with the National General Audit Office and the Office of the Ombudsman, that “there are no records” of breaches of the rules on conflicts of interest. As in the previous point, we would be grateful if you could explain whether that means that there are no statistics on breaches or, on the contrary, that such statistics are indeed kept and show no such breaches. If the latter is meant, please could you let us know what period is covered by those statistics and, if possible, let us have a copy of the statistical data available?

4. Page 15, in reference to the Senate, states that “there have been no reports that cases of conflicts of interest have occurred.” Here we would be grateful if you could explain whether that means that your office received no reports on statistics regarding such conflicts or whether, on the contrary statistics on that matter were received and show no cases of conflicts of interest. If the latter is meant, please could you let us know what period is covered by those statistics and, if possible, let us have a copy of the statistical data available?

5. In relation to the Judiciary and the “Ministerio Público” (Attorney General’s Office and the Ombudsman’s Office), pages 14 and 15 refer to “innumerable cases of recusal in the thousands of judicial proceedings that are under way or already shelved.” Here, we would be grateful if you could explain whether the word “innumerable” is used because there are no statistics on this or for some other reason. We would also like to know whether there are statistics on cases of conflicts of interest in which the officials involved did not disqualify themselves and on the consequences (sanctions or other measures) of their not having disqualified themselves.

6. Page 18 mentions, in connection with objective outcomes regarding standards and mechanisms for safeguarding, and for the proper use of, resources assigned to government officials, that the SIGEN and AGN websites contain numerous reports on studies carried out by those two entities in this field. In addition to that information and in line with the question being answered in that section, we would be grateful if you could explain whether aggregate statistics exist on the type and quantity of measures taken by those agencies or other competent bodies in this field and, if so, we would like to ask you kindly to send them to us.

7. Page 19 notes, with regard to the duty to denounce acts of corruption, that failure to denounce may lead to administrative inquest, with sanctions ranging from a warning, suspension, to dismissal, or to exoneration. Here, we would be grateful if you could explain whether there are statistics on the imposition of such sanctions for conduct of this kind.

8. Page 20 contains some statistical data on “investigation files opened since December 1999,” as a result of steps taken by the Anti-Corruption Office (OA). In this case, we would like to know whether the OA keeps statistics on the end results of such investigations (for instance, on the decisions taken by the Judiciary or by the agencies to which the investigations were presented or sent).

9. Page 21 states that there are now 26,500 officials obliged to submit a sworn statement of assets. We would be grateful if you could explain whether this figure includes officials at all levels of government (Federal and/or provincial) and in all branches of

government, or whether it applies only to the National Public Administration area for which the OA has jurisdiction.

10. Pages 22 and 23 list the consequences or sanctions resulting from failure to abide by the rules governing sworn asset statements. Here, we would like to know whether statistics exist on the imposition of such sanctions or consequences and, if so, whether the OA could furnish those data.

11. Page 26 contains a table comparing the degree of compliance with the obligation to submit a sworn asset statement before and after adoption of the new electronic system, whereby 36,000 government officials are registered under the "Previous System," compared to 26,500 under the "Electronic System." In this connection, we would be grateful if you could kindly explain whether this means that there was a reduction in the number of officials obliged to submit that statement and, if so, why.

12. Page 27 includes a table containing statistical data on "impact in cases of conflicts of interest," in which the figure under the previous system was 40, while under the new system it is 491. Here we would be grateful if you would kindly explain whether the aforementioned figures correspond to cases in which the existence of conflicts of interest was detected on the basis of sworn assets statements.

13. On page 32, in connection with objective outcomes of the application of participation mechanisms in general and in addition to the mention that "some twenty *Commitment Letters* have been signed in government agencies," there is a statement saying "public hearings have been held under the auspices of the public utility regulatory bodies" and that "civil society organizations participate in consultative councils and/or councils for monitoring social plans." We would like to know whether statistics are kept regarding these two last types of outcome mentioned in the reply to the questionnaire and, if so, we would like to ask you to forward those data to us.

Given the Secretariat's tight deadline for preparing first drafts of the preliminary reports and in order to be able to use this information in them, I would be grateful if you could clarify the above points, if possible, by September 24.

Thanking you in advance for your cooperation in this matter. Sincerely,

Jorge García González
Technical Secretariat of Legal Cooperation Mechanisms
Secretariat for Legal Affairs
OAS General Secretariat