

**THE ADMINISTRATIVE
INVESTIGATIONS
ATTORNEY GENERAL'S
OFFICE (F.I.A.)**

REPÚBLICA ARGENTINA

A.G.O.
Attorney General's
Office



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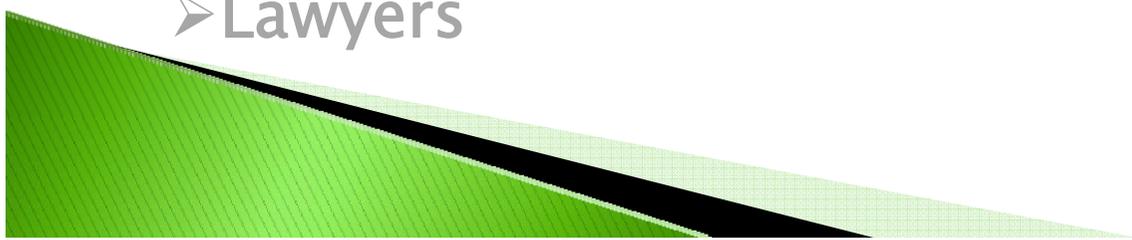
Investigation of acts of corruption and administrative irregularities committed by agents of the National Public Administration.



- Prosecutors
- Accountants
- Lawyers



Preliminary
Investigations



Preliminary Investigations

How do they begin?

- ✓ Reports filed by individuals
- ✓ Reports filed by NGO
- ✓ Activity of the mass media

Administrative Irregularities



Promote and follow-up
administrative summary
proceedings



The FIA can be constituted
as plaintiff

Crimes

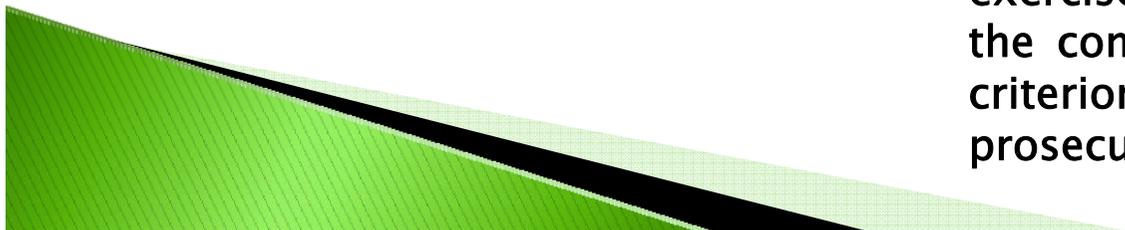


Criminal complaint



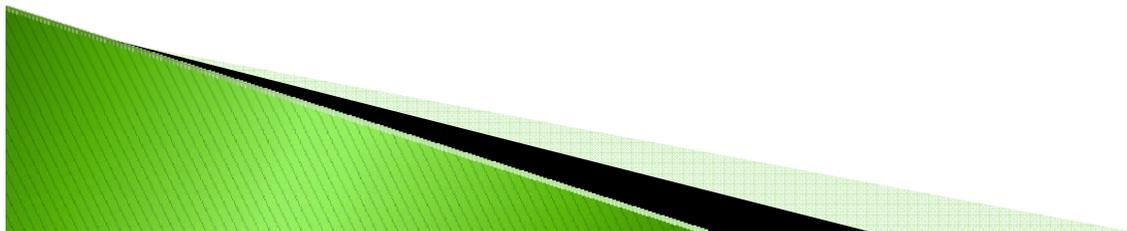
✓The FIA can collaborate with the
competent prosecutor.

✓The FIA may assume the direct
exercise of the public action when
the competent prosecutor show a
criterion that is contrary to the
prosecution of the action.

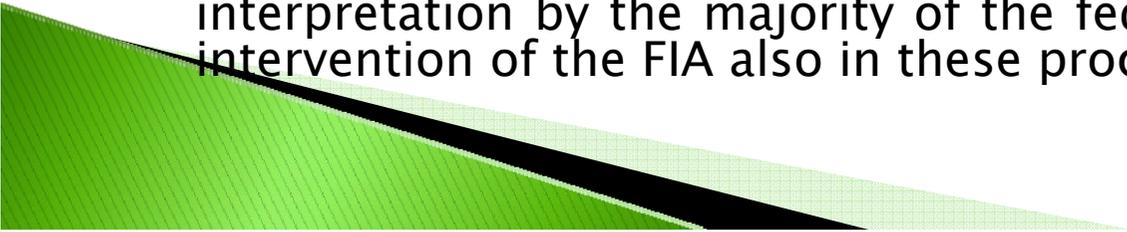


ANTICORRUPTION OFFICE FUNCTIONS.

- a) Receives claims from individuals or public agents.
- b) Evaluates the information from the mass media and, as the case may be, commences the relevant proceedings.
- c) Preliminarily investigates the cases which, having met the relevance criteria, constitute behaviors provided for in the Inter American Convention against Corruption.
- d) Promotes and follows-up administrative or legal summary proceedings.



Resolution 147/2008 and Limitation of the Powers of the FIA

- ▶ Reduces the “necessary intervention” of the FIA in the processes commenced upon the FIA’s own reports, in the access to the file and in contributing to the procedural strategy projected by the prosecutor in charge.
 - ▶ Subordinates the direct exercise of the subsidiary criminal action to the cumulative (not alternative) concurrence of the following:
 - a) that the criminal case has commenced upon a report filed by the FIA itself, and
 - b) that the competent prosecutor shows a criterion that is contrary to the prosecution of the criminal action.
 - ▶ Considers that the correct interpretation of the communication of any case against public officers imposed under Law 24946 is that whose only purpose is to encourage an administrative preliminary investigation report and, therefore, doubts about the accuracy of the interpretation by the majority of the federal courts in admitting the intervention of the FIA also in these processes.
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Presidential couple attempts to justify how they made 27 million in one year

Former president Nestor Kirchner had a profit in 2008 of \$ 27,802,400.50, and now had to justify before the court how he came to that figure. The presidential couple's accountant said it came from the sale of property, rents and interest on time deposits in pesos and dollars.

According to an article published by the daily Clarín, Cristina and Nestor assets amounting to \$ 44,307,672.94, according to what public accountant Víctor Alejandro Manzanares told Judge Norberto Oyarbide, who is investigating the couple's alleged illicit enrichment.

The investigation started as a result of complaints generated after the affidavit filed by Kirchner showed a 158% increase in assets.

Momento 24, 12/13/2009



Opposition forces ask for impeachment of Judge Oyarbide for 'serious suspicion of corruption'



Yesterday, Federal Judge Norberto Oyarbide acquitted President Cristina Fernandez de Kirchner and her husband, former president Nestor Kirchner in the illicit enrichment case.

The decision was handed down by Oyarbide after he received the results of a test performed by Supreme Court experts in which no irregularities were found.

Fernandez and Kirchner say in their disclosure that they own 28 properties valued at US\$3.8 million, four companies worth US\$4.8 million, bank deposits of US\$8.4 million and US\$6,578 in cash.

They said their debts total US\$5 million.

Momento 24, 12/22/2009

The ruling acquitting the Kirchners of illicit enrichment was not appealed

Prosecutor Eduardo Taiano did not appeal the ruling by Judge Norberto Oyarbide, which dismissed the presidential couple of an alleged illicit enrichment during 2008.

As Guillermo Noalles, in charge of the Office of Administrative Investigations (FIA) also decided not to appeal the ruling today, the case will be closed, thus, the Court of Appeals will not revise the Judge's decision.

Taiano did not surprise anybody because he never opposed the closure of the two previous cases in which the Kirchners were accused of the same offense.

Momento 24, 12/28/2009



Opposition leaders criticize the prosecutors for not having appealed the acquittal of the Kirchners



The case of the illicit enrichment of the Kirchners was closed and the opposition slammed prosecutors for failing to appeal the dismissal ruled by Judge Oyarbide.

Margarita Stolbizer accused the presidential marriage “having dismantled control agencies” to “ensure their own immunity” and was very concerned about the attitude of the prosecutors.

Eduardo Taiano, federal prosecutor and Guillermo Noailles, head of the Office of Administrative Investigations (FIA) decided not to appeal the acquittal of Nestor and Cristina Kirchner.

Conclusions

- The permanent discussion in the courts regarding the powers of the FIA to intervene in the files pending before such courts derives in a continuous weakening of the FIA's powers and capacities
- The FIA, like any entity fighting against corruption and controlling public officers, must be provided with sufficient functional and economic autonomy.
- The success of its task is directly proportional to the actual autonomy of its authorities.

