

# Argentina

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## Section 1: Summary of Domestic Legislation

- Article 1 of [Act 25.241](#) of 23 February 2000 on terrorism acts defines these as criminal activities committed in order to produce alarm or fear and endanger the life of citizens. The definition however refers exclusively to the Act, providing reduced sentences for individuals who collaborate with a criminal investigation.
- Therefore, Argentine law does not have a separate definition of terrorist crimes. A number of offences in the [Criminal Code](#) could be considered acts of terrorism, particularly the provisions of Title VII on the offences against public safety, which would include crimes against property, public transport system and public health. Furthermore, the offence of membership of an illicit organisation, covered by Articles 210 and Article 210 bis under Title VIII (offences against public order), criminalises implicitly the recruitment and participation in a terrorist organisation and armed bands. The latter penalises cooperation or assistance in an organisation if this action undermines Argentine Constitution. The punishment ranges from 5 to 20 years imprisonment.

Article 212 deals with incitement to violence, which can be applied to the case of terrorism, and imposes a penalty of 3 to 6 years imprisonment.

The stockpiling and supply of weapons to commit crimes against public security and infrastructure is addressed by Article 189 bis and penalised by 5 to 15 years' imprisonment. In addition, [Act 24.492](#) of 31 May 1995 also forbids the provision of firearms to a non-authorized user.

Incitement to commit terrorist crimes is punishable through Article 209, aiding and abetting criminal acts, and Art 213, advocacy of crime.

Electronic surveillance in serious crime investigations, which would include terrorist acts, is allowed by article 236.

- The financing of terrorism can be acted upon through the legal instruments set up by [Act 25.246](#) of 13 April 2000 on concealment and laundering of the proceeds of criminal acts. The legislation acts more broadly on money laundering, an offence defined as involving an individual processing funds (exceeding the sum of 50,000 Argentinean pesos) derived from a criminal office in which he did not take part to make them appear of legal origin. It sets up a national Financial Intelligence Unit (FIU) to analyse and transmit information on these offences to the Office of Public Prosecutor, who can initiate criminal proceedings.

- [Act 25.871](#) of 21 January 2004 on Argentina's immigration policy allows the extradition of any foreign national involved with terrorism acts or participating in terrorist organisations.
- Operational procedures in the fight against terrorism are regulated by Argentina's national security legislative framework based on [Act 24.059](#) of 19 December 1991 on domestic security system. The ministry of interior conducts the political direction and operational application of these policies with the support of an Internal Security Council that comprises permanently the ministers of interior and justice, state secretary for internal security, directors of the state's three main police forces and the secretary for the fight against drug trafficking. The law also outlines the system of coordination between Argentina's domestic security bodies, the conditions for the intervention of the armed forces in internal security operations and parliamentary oversight and control mechanisms.
- International cooperation in criminal matters, including terrorism, is covered by [Act 24.767](#) of 18 December 1996, which governs the cooperation procedures in case there is no previous bilateral agreement signed. It regulates the application and use of the extradition mechanisms and outlines procedural rules, mutual legal assistance and implementation of penalties.

## **Section 2: Relevant International Instruments**

### ***Anti-Terrorism Instruments***

Argentina has ratified 12 of the 13 [UN Conventions on Terrorism](#). The [Convention for the Suppression of Acts of Nuclear Terrorism 2005](#) has been signed but is still yet to be ratified.

### ***Human Rights Instruments***

Argentina is a state party to a number of international human rights instruments, full details of which can be found [here](#). The most important regional treaty is the [American Convention on Human Rights 1969](#) which Argentina ratified in 1984.

## **Section 3: Useful Reports**

### **❖ UN Counter-Terrorism Committee Reports**

An overview of Argentina's anti-terrorist framework has been presented for the [United Nations Counter-Terror Committee \(CTC\)](#) in a series of reports.

- A December 2001 [report](#) focuses on Argentina's implementation of Security Council resolution 1373 (2001) on the prevention and suppression of terrorism financing. It focuses specifically on the criminalisation of these activities in Argentinean legislation and existing legal instruments for freezing accounts. Moreover it outlines the existing legal mechanisms to prevent the recruitment of members and access to weapons for terrorist groups and to expel from the country those who commit terrorist acts. The report also deals with instruments for cooperation with other countries in this area and indicates the state actors involved in the fight against this threat.

- The second [report](#) from 2002 refers to Argentina's instruments to fight terrorism financing and internal cooperation mechanisms. It also lists state authorities with competencies on terrorism.
- A 2003 [report](#) provides further information on the way SC resolution 1373 was translated into Argentinean law and deals with the issue of the CTC, providing further assistance and guidance on this area.
- The objective of [report](#) S/2004/94 was to gather additional information on a number of issues related to SCR 1373. This includes the provision of training to state authorities on the prevention of terrorism financing and adequate resources to the Financial Intelligence Unit. The coordination of national authorities, the use of mechanisms to freeze and confiscate terrorist funds, international legal assistance to other countries and the state's anti-terrorist institutional machinery are also covered. This is complemented with details on the measures deployed to fight terrorism recruitment, special investigative techniques and border and explosives control.
- A 2005 [report](#) updates the Committee on the status of the Argentina's anti-terror legislation, the modalities for cooperation with other States to combat terrorism and national laws conforming to international requirements in the area of terrorism. The provision of technical assistance by Argentina to other states is also addressed in the report.
- The final [report](#) was submitted in 2006 and deals with both 1373 and 1624 (2005) resolutions. It outlines the changes on Argentina's Criminal code to fight terrorism financing, international agreements, border controls and the criminalisation of incitement to commit terrorist acts.