



INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

" dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights "

COMMUNIQUE DE PRESSE - COMUNICADO DE PRENSA

4 August 2003

IMMEDIATE

P
R
E
S
S
R
E
L
E
A
S
E

Argentina: ICJ Demands Fair Hearing for Supreme Court Judge Facing Impeachment

The Centre for the Independence of Judges and Lawyers (CIJL) of the International Commission of Jurists (ICJ) today urged the Government of Argentina to ensure that Judge Eduardo Moliné O'Connor, Vice-President of the Supreme Court, receives a fair hearing in the impeachment proceedings currently underway against him in Congress.

The Impeachment Committee of the lower house of Congress initiated proceedings against Judge Moliné O'Connor on 3 July. The Judge faces fifteen accusations of "improper discharge of duties"; sixty-seven charges had been previously filed against him, some of them dating back several years. These charges relate to certain controversial rulings that the Court issued during Judge Moliné O'Connor's tenure and his refusal to recuse himself from presiding over a disciplinary committee hearing of a judge against whom he had previously initiated disciplinary proceedings. According to the Judge, the current impeachment proceedings against him are politically motivated. He further claims that several members of the Committee have already expressed their negative views on the case.

"Regardless of the accusations that Judge Moliné O'Connor is not independent, disciplinary proceedings against him must conform to international standards", said Linda Besharaty-Movaed, Legal Advisor of the CIJL. "Denying him a fair hearing circumvents the rule of law and sets an inappropriate and dangerous precedent".

The next stage of the impeachment process will take place on 13 August when the Impeachment Committee presents its findings to the rest of the lower house of Congress. If two-thirds of the house so decide, the case will proceed to the Senate for its final decision. A two-third majority in the Senate is required for a removal.

The case against Judge Moliné O'Connor is the second time a Supreme Court Judge faces impeachment proceedings this year. Judge Julio Nazareno, who was the Court's President, resigned on 27 June whilst an impeachment proceeding against him was in progress. On February 2002 Congress initiated proceedings against the whole Supreme Court, but the Impeachment Committee decided to proceed against one Judge at a time.

For further information, please contact Linda Besharaty-Movaed, Legal Advisor, at +41 22 979 3809.

The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

81A, avenue de Châtelaine, P.O. Box 216, 1219 Châtelaine, Geneva, Switzerland
Tel: +41(0) 22 979 3800 – Fax: +41(0) 22 979 3801 – Website: <http://www.icj.org> – E-mail: info@icj.org