

# Criminal justice system of argentina

Law



## Criminal Justice System of Argentina

### Abolition of the Death Penalty in Argentina

In line with the resolution by the UN General Assembly held on 18th December 2007, 137 countries dropped the death penalty from their justice system by 10th September, 2008 (Ebbe, 2013). This movement across the world was in response to the approval of resolution 62/149 that championed for the suspension of execution of convicts on death row. On September 5th, Argentina became the fifth country to abolish the death penalty following the government's approval of the procedure in regards to the American Convention on Human Rights that pressed for the removal of the death penalty (Ebbe, 2013). Earlier, on 2nd September 2007, it had ratified the Second Optional procedure to the International Covenant targeting the suspension of the death penalty, which dealt with civil and political rights (adopted in 1989) which served to abolish the death penalty on ordinary crimes (Ebbe, 2013). With this, Argentina became the seventh nation to amend all human rights regulations in the Inter-American system. On 7th August, 2007, a law that saw the removal of the 1951 Military Code of Justice was unanimously passed by the country's senate (Amnesty International, 2008). This meant that the death penalty had been removed against all crimes including those committed during military operations, hence removing the military Court (Amnesty International, 2008). In recent times, capital punishment has not been practiced in Argentina, the last one having been implemented in 1916.

### Substitute for the Death Penalty in Argentina

Given that the death penalty is unlawful in Argentina following a series of legislative amendments in recent times, the use of methods such as torture, <https://assignbuster.com/criminal-justice-system-of-argentina/>

hanging, flogging, lethal injection and others for execution no longer apply. Certain other methods have been adopted to deal with crimes that would otherwise warrant the death penalty. In some cases, sentences have been reduced to life imprisonment while in others sentences have been reduced to a jail term of a several years, depending on the nature of the case. A few examples of how serious crimes have been punished recently follow hereunder.

In the case of Mario Frieiro who was accused of murdering his wife after a quarrel in 1998, the judge passed a life imprisonment on November 26th 2007 (Ebbe, 2013). In another case, an ex-army officer accused of kidnapping, torturing, and killing four reformists before dumping their bodies in the streets to simulate death in shootout in 1977 was also sentenced to life imprisonment. This was after Luciano Benjamin Menendez with 70 others was found guilty of criminal actions during the military dictatorship period targeting members of the opposition (Dawar, 2008). Four brothers were sentenced to life in prison of triple murder of Sebastián Forza, Damián Ferrón, and Leopoldo Bina which took place in 2008 (Buenos Aires Herald<sup>1</sup>, 2012). The court found four men Víctor and Marcelo Schillaci, and Cristian and Martín Lanatta guilty and ordered their detention with immediate effect. In a different case, a man was sentenced to 18 years in prison for murdering his wife by setting her on fire on February 10, 2010 (Buenos Aires Herald<sup>2</sup>, 2012). The sentence was reduced to 18 years because Eduardo Vazquez was under temporary insanity as stated by the judge. In a different setting, a woman by the name Romina Tejerina was sentenced to 14 years in prison for the murder of her baby in February 2003. She pleaded that the baby was a product of sexual abuse (Ebbe, 2013). The supreme court of Argentina is the <https://assignbuster.com/criminal-justice-system-of-argentina/>

highest court that handles matters of law in Argentina, all appeal cases are directed to the Court of Appeal or the Supreme Court. The ruling of the Supreme Court cannot be appealed against elsewhere.

#### References

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