

**Presentation by Judge Ricardo Rojas on prosecuting anticorruption cases
World Bank, April 29, 2003**

Judge Ricardo Rojas of Buenos Aires Criminal Court No. 4 discussed the challenges of trying major anticorruption cases at a World Bank luncheon on April 29, 2003. In reviewing how he brought to final judgement a major corruption case in Argentina involving a crony of former Argentine President Carlos Menem, Judge Rojas affirmed one of the constants of judicial reform: the need for the judge to assert control over the process.

The case was in preparation for five years. An investigating judge had compiled a dossier on contract fraud at the BA city council, naming 40 defendants, including council chair José Manuel Pico, alleged to be a close friend of Menem's. As Rojas explained it, historically such cases have fallen of their own weight. Defense attorneys draw out the proceedings until the statutory time limit on bringing the case to final judgement expires. Rojas, who was assigned to try the case, defeated the strategy in this case by

1. Cutting the case down through giving 14 defendants either probation or reduced sentences in return for their testimony;
2. Limiting the evidence to be heard. Defense lawyers had listed 1200 possible witnesses. Rojas said any over 100 would have to be justified in a written filing. When he began preparing the case for trial, over 30,000 pages of pretrial material had been filed. He told defense lawyers if they couldn't find the evidence they needed in these pages, they were out of luck.

Rojas stressed that in taking control of the case away from the lawyers, he was careful not to violate defendants' rights. While the criminal procedure code for the Buenos Aires national capital region, where the case was tried, did not explicitly sanction his actions, it did not expressly prohibit them either, and in fact, an appeals court recently rejected all appeals in the case.

One ingredient in Rojas's success was that his court is part of the judiciary of the national capital region. Most corruption cases in Argentina are brought in the federal courts where the judges are closer to the political parties.

During his talk Rojas stressed the importance of reforming criminal procedure codes in Argentina to reduce lawyers' room for maneuver. Yet his experience shows that a determined judge can do quite well under existing law.

Pico, who was extradited from Brazil, is now serving a 14-year term in a common jail and was fined \$2 million. This is the first corruption case in recent memory in Argentina involving such a big fish. When asked how much Pico had reaped from the fraud, though Rojas didn't have an exact figure, he thought it was in the tens of millions of dollars if not more.