

The Murder of Alberto Nisman

How the government of Cristina Fernández de Kirchner created the environment for a perfect crime

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ABSTRACT

Whether or not the Fernández de Kirchner government had a direct hand in Nisman's killing, it deliberately and systematically created the environment in which the assassination could take place with impunity, and the integrity of the justice system is compromised

Table of Contents

<u>PREFACE</u>	<u>3</u>
<u>THE CONTEXT SURROUNDING NISMAN'S DEATH</u>	<u>5</u>
<u>THE NISMAN INVESTIGATIONS</u>	<u>10</u>
<u>NISMAN'S FINDINGS ON IRAN IN THE WESTERN HEMISPHERE</u>	<u>10</u>
<u>THE GATHERING STORM OF IRAN AND THE BOLIVARIAN STATES</u>	<u>13</u>
<u>IRAN'S STATED GOALS AND STRATEGY</u>	<u>16</u>
<u>THE ACCUSATION</u>	<u>17</u>
<u>THE PLAYERS</u>	<u>18</u>
<u>THE UNRAVELING</u>	<u>21</u>

Preface

This paper is the sixth in a series of IASC studies on Argentina and the Fernández de Kirchner government. It was by far the most difficult to write because it looks at the body of work of Alberto Nisman, a brave veteran Argentine prosecutor, and personal friend, who was killed while conducting a criminal investigation which spanned several continents and led to formally accusing a sitting president of serious crimes. The author had often discussed with Nisman the role of Iran in Latin America, and the danger this strategic penetration presented to the United States, Latin America, and the rule of law. In this sense, the loss is personal. In a much larger sense, the loss of Nisman's voice is a national tragedy -- all the more so because of the government's bizarre effort to ensure the case will never be solved.

The first IASC study in this series, "Back to the Future: Argentina Unravels,"¹ discussed both the roots and populist ties of the government of Cristina Fernández de Kirchner to Iran and the Bolivarian bloc of nations led by Venezuela, and its growing criminalization. It was part of a series on the deep criminalization of the Bolivarian nations, including extensive examination of the governments of Evo Morales in Bolivia² and Rafael Correa in Ecuador.³

The second IASC paper, "La Cámpora in Argentina: The Rise of a New Vanguard Generation and the Road to Ruin,"⁴ discussed the rise of the *Camporista* movement within the Fernández de Kirchner government, and its vision of remaking Argentina's society and economy in a populist authoritarian model – one unconstrained by the rule of law or the laws of economics -- where the *Camporistas* embody the state, and those who oppose them are traitors. Understanding *La Campora* is essential to understanding the implosion of Argentina.

The third, "One Step Forward, Two Steps Back: Argentina Tangos Toward Collapse,"⁵ outlined the precipitous collapse of Argentina, the rising economic chaos, and the growing power of transnational organized crime. The fourth, "The Advance of Radical Populist Doctrine in Latin America; How the Bolivarian Alliance is Remaking Militaries, Dismantling Democracy and Combating the Empire,"⁶ documented the explosion of anti-U.S. radical military doctrine, where much of the movement is funded by the Argentine government. The fifth paper, "Through the Looking Glass: The Fernandez de Kirchner Government's Narco Corruption and the Diminished Rule of Law."⁷ focused on the rise of narco-trafficking, narco violence, growing transnational crime syndicates in Argentina, and their growing ties to the Fernández de Kirchner government.

Since Nisman's January 18, 2015 murder, Fernández de Kirchner has deployed her full arsenal of dirty tricks, lies, rumors and innuendo in a desperate effort to discredit Nisman – a task made far easier now that he is not alive to defend himself. Some of the international

¹ http://www.strategycenter.net/research/pubID.303/pub_detail.asp

² http://www.strategycenter.net/research/pubID.200/pub_detail.asp

³ http://www.strategycenter.net/research/pubID.221/pub_detail.asp

⁴ http://www.strategycenter.net/docLib/20130513_LaC%E1mporaFINAL.pdf

⁵ http://www.strategycenter.net/docLib/20140302_Farah_ArgOneStepForward030214

⁶ http://www.strategycenter.net/docLib/20140522_Farah_MilitaryDoctrine_0514.pdf

⁷ http://www.strategycenter.net/docLib/20141018_Farah_LookingGlass_1014.pdf

media have repeated the allegations launched by the president as plausible, perhaps without fully understanding the depth and coherence of Nisman's work.

This paper is an initial effort to preserve Nisman's legacy and to show that he was not some loose cannon or a Don Quixote tilting at imaginary giants who were in fact only windmills. His investigations were not perfect, but they were built on a solid foundation of facts unearthed over years of tireless investigation. If he were still alive, Nisman could speak for himself. Unfortunately it has fallen to others make sure his history is not erased.

The Context Surrounding Nisman's Death

The shocking January 18 murder of Argentine special prosecutor Alberto Nisman, who was leading the investigation into Latin America's worst Islamist terrorist attack, will likely never be solved. This study does not seek to provide a definitive answer. But what it seeks to make clear is that even if the Fernández de Kirchner's government did not have a direct hand in pulling the trigger of the gun that killed him, the president and her closest associates deliberately and systematically created the environment in which the assassination could take place with impunity.

The week before he died, Nisman had formally accused Fernández de Kirchner, her foreign minister Héctor Timerman, and others of her inner circle with carrying out secret and illegal negotiations with Iran in an attempt to absolve those responsible for the 1994 car bombing of an Israeli center that left 85 dead and hundreds wounded.⁸ At its core, the allegation is that the president attempted to negotiate impunity for Iranian officials indicted on charges of mass murder and crimes against humanity in exchange for Iranian promises of oil to relieve chronic fuel shortages, and promises to buy agricultural products and weapons.⁹

Among the 40,000 legally authorized wiretapped conversations that Nisman had access to in his case – since leaked to the media – are conversations indicating that the architecture of the plot went far beyond what Nisman publicly alleged, although he clearly knew and understood the breadth of the plan.

The conversations indicate: the president secretly met face to face with an Iranian emissary to discuss the deal and promised the emissary that friendly officials would be placed in senior positions to help Iran; that the main intermediaries in the talks were arranging side deals, such as a joint oil tanker construction business, which would earn them each \$1 million a month; and, that the main interlocutor on behalf of Iran had some 300 assault rifles stolen from his country house outside Buenos Aires.¹⁰

It is not clear what the origin or purpose of the assault rifles in the hands of an Iranian agent were. What is clear is that the prosecutor's document is not the reckless hearsay the president has claimed. It is instead a restrained document that focuses only on the alleged crimes that were directly related to the case he was investigating. Had it been a 'witch hunt' as claimed by regime apologists, he could have used the wiretaps and information to do far more political damage than his accusation did.

⁸ Laureano Pérez Izquierdo, "Pacto con Irán: el fiscal Nisman denunció a Presidenta y le pidió declaración indagatoria," Infobae, January 14, 2015, accessed at:

<http://www.infobae.com/2015/01/14/1620843-pacto-iran-el-fiscal-nisman-denuncio-la-presidenta-y-pidio-su-declaracion-indagatoria>

⁹ Filing of Complaint by Chief Prosecutor Alberto Nisman before Federal Judge Dr. Ariel O. Lijo, January 15, 2015.

¹⁰ For a summary of the key recordings see: Belén Marty, "Massive Cache of Nisman Audio Files Published: Prosecutor Only Used Fraction of 40,000 Recordings in AMIA Allegations," Panam Post, March 9, 2015, accessed at: <http://panampost.com/belen-marty/2015/03/09/massive-cache-of-nisman-audio-files-published/> For a full archive of all the audios, see: <http://www.infobae.com/archivos-de-nisman>

But the prosecutor's judicial accusation (different from an indictment, which would be the next judicial step leading to a trial) of Fernández de Kirchner – since dismissed by a judge loyal to the president and under appeal by the prosecutor who replaced Nisman – is just one part of a much larger mosaic of corruption, foreign influence peddling, and lawlessness which has come to define her government.

The government's lack of credibility – it has lied about everything from its basic economic statistics to its homicide rate – is evident in recent polls showing that 70 percent of the people believe the crime will never be solved. This is a shocking vote of no confidence in the government.¹¹ Independent of Nisman's work, the government is roiled daily by corruption scandals: the vice president is under indictment; the president's main financial handler moved tens of millions of dollars to offshore accounts without explanation of where the money originated; and, the president's son and presumptive heir, Máximo, is under criminal investigation in a festering money laundering case.¹²



Figure 1: Hundreds of thousands march on the one month anniversary of Nisman's death, demanding justice (Photo from La Nación).

¹¹ "Siete de cada diez argentinos creen que no habrá justicia," Clarín, January 22, 2015, accessed at: http://www.clarin.com/politica/argentinos-piensen-justicia_0_1289871125.html

¹² Emilia Delfino, "Bonadio retoma la causa de Hotesur y creen que Máximo K es su objetivo," Perfil, January 2, 2015, accessed at: <http://www.perfil.com/politica/Bonadio-retoma-la-causa-de-Hotesur-y-creen-que-Maximo-K-es-su-objetivo-20150201-0033.html>

Because the murder will likely remain unsolved, the tendency both inside Argentina and outside is to accept the long-standing narrative of the Fernández de Kirchner government that the Nisman investigation had little basis in fact, and that alternative theories of the bombing are equally valid.¹³ This is simply not true.

Nisman's assassination did not occur in a vacuum. Nor was it an isolated event, separable from many broader issues comprising both a significant geopolitical threat to the United States and its allies, and at the same time a profound danger to democracy and the rule of law in Latin America.

The broad lines of the agreement with Iran were known and reported by IASC and others because the two nations signed a memorandum of understanding (MOU) in January 2013, making little effort to hide the underlying framework Nisman eventually outlined.¹⁴ What Nisman's investigation did was strip away any pretense that the Fernández de Kirchner government was not negotiating with a terrorist regime that had killed her own people. The prosecutor's death made clear that Fernández de Kirchner now presides over a highly criminalized state – one more allied with rogue nations and terrorism than with democracy and the rule of law.

It was the broad premise of the prosecutor's formal charges, rather than the specifics of the case, which reportedly set off alarm bells in an administration already facing a steep loss of support and widening corruption scandals lapping at the heels of the government and first family. The document was an important piece of the emerging picture of a government that had forfeited its legitimacy in exchange for personal benefit, perhaps signaling the end of the president's dream of seeing her family dynasty continue through her son.

Much damage had already been done. Fernández de Kirchner's administration has persistently pushed Argentina from its position as a respected democratic leader in Latin America with bright economic prospects, to the status of a highly criminalized pariah state with an imploding economy and severely limited access to global financial and investment markets.

¹³ For an example of how the media has portrayed the killing and Nisman's investigation in ambiguous terms see: Greg Grandin, "How Did Argentina's Alberto Nisman Really Die?", *The Nation*, February 3, 2015, accessed at: <http://www.thenation.com/blog/196809/black-bag-baroque-death-argentina#>

¹⁴ The MOU was the culmination of the deal that was already agreed to, according to Nisman's indictment. It was signed in Ethiopia, and announced on Twitter by the president. See: Mariana Verón, "Acuerdo con Irán para revisar caso AMIA," *La Nación*, January 28, 2013, accessed at: <http://www.lanacion.com.ar/1549656-acuerdo-con-iran-para-rev>. The core of the agreement calls for five international jurists (two chosen by each country and one by consensus) to form a "Truth Commission" to review the entire case file developed by Argentine investigators. The Commission members would be able to interview Iranian suspects in Iran and make "recommendations" and "findings." They otherwise have no real judicial authority. Iran almost immediately disowned the MOU they had only recently signed, denying that any Argentine judge could question the suspects if the suspects chose not to appear. "The matter of questioning of some of the Iranian officials is a sheer lie," Iranian foreign ministry spokesman Ramin Mehmanparast said at a press conference." See: "Iran rejects grilling of officials in Argentina bomb probe.", *Agence France-Presse*, February 12, 2013, accessed at: www.globalpost.com/dispatch/news/afp/130212/iran-rejects-grilling-officials-argentina-bomb-probe.



Figure 2: Iranian Foreign Minister Ali Akbar Salehi and Argentine Foreign Minister Héctor Timerman exchange signed copies of the MOU on the AMIA case

Fernández de Kirchner has increasingly tied her fortunes to the failed radical populist model of Venezuela’s late Hugo Chávez: a destructive combination of authoritarian, one-person rule, massive corruption, economic collapse, and the hollowing out of institutions which could provide oversight and accountability. This includes targeting the independent media and unilateral renunciations of international legal treaties and agreements. New evidence has been emerging from U.S. courts in a sprawling money laundering case against a one-time small town bank teller who rose to control hundreds of millions of dollars allegedly being laundered on behalf of the Fernández de Kirchner and her children through more than 100 shell corporations registered in havens ranging from the state of Nevada, to the Seychelles and Switzerland.¹⁵

¹⁵ The case of Lázaro Baéz, whose fortune grew enormously during the successive administrations of Néstor Kirchner and his wife Cristina, is part of an ongoing soap opera in the Argentine media. Those close to Baéz have testified to carrying large trash bags filled with cash from Baez’s business to neighboring Uruguay, where it was loaded on airplanes and flown to Europe and elsewhere. For a full discussion see: Douglas Farah, “One Step Forward, Two Steps Back: Argentina Tangos Toward Collapse,” International Assessment and Strategy Center, March 2014, accessed at: http://www.strategycenter.net/docLib/20140302_Farah_ArgOneStepForward030214.



Figure 3: Fernández de Kirchner and Chávez in happier times

As noted, over the past two years IASC has written numerous reports and articles documenting these multifarious phenomena, as well as many of the issues that Nisman outlines in his indictment. The main findings include:

- The opaque and increasingly anti-U.S. campaign waged by Fernández de Kirchner in support of the radical populist government of Venezuela and the theocratic regime in Iran;
- The kleptocratic tendencies of Fernández de Kirchner and her inner circle, and the highly unusual skyrocketing of her own personal wealth and that of her closest confidants;
- The sacking of the national treasury by her stalwart supporters in the political movement *La Campora*, which is led by her son Máximo, and which has contributed greatly to Argentina's economic free fall;
- The systematic dismantling of the rule of law that has turned Argentina into a new hub of international cocaine trafficking, money laundering, and transnational organized crime;
- A total disdain for international law as demonstrated by: failing to follow rulings by U.S. courts on repaying a group of hedge fund bond holders, which includes the savings of thousands of Argentinians, despite agreeing to abide by such rulings; and, the illegal expropriation of foreign companies;
- The significant financing her first presidential campaign received from drug traffickers, particularly those involved in the ephedrine trade;

- The consistent efforts, sometimes successful, of abolishing an independent judiciary and making the courts much more beholden to the executive branch.
- The systematic attacks on freedom of the press and the independent media.

The Nisman Investigations

The political shock waves the assassination set off, the bungling of the investigation from its first moments, and the efforts by Fernández de Kirchner, abetted by her closest political allies, to discredit Nisman personally and politically – including erroneous reports that he was intoxicated at his time of death or had committed suicide – have all been amply documented.¹⁶

The president used the bulk of her State of the Nation address of March 1 to attack Nisman, the investigation, and the judicial branch for daring to challenge her.¹⁷ She responded in the only manner she seems capable of -- attempting to discredit Nisman while obfuscating and muddying the waters at every possible turn and spinning fantastical conspiracy theories to the effect that everything was meant to embarrass and destabilize her. She has publicly espoused contradictory theories that Nisman's death was a confabulation of the CIA or the Mossad, rogue Argentine intelligence agents, or a spurned gay lover, or a mix of all of these. The only consistent element is that she plays both victim and hero in the narrative, expounded in full-page newspaper ads, personal Facebook posts, and endless Tweets.

Nisman's Findings On Iran in the Western Hemisphere

This narrative buries Nisman's core finding on the fundamental, unchanging role of Iran in the multiple investigations over the decade before his death, and the depth and breadth of the investigation, which led to his conclusions. The findings were destabilizing to Fernández de Kirchner and her allies in Venezuela, Iran and beyond -- not because they were political in nature, but because they laid bare the well-developed strategic advance by the world's leading state sponsor of terror in the region. Nisman's frustration was growing because not only was his own government, after years of being supportive of his work, suddenly

¹⁶ Among the many unanswered questions is why Sergio Berni, the minister of security, was in Nisman's apartment for more than two hours before the investigating judge arrived, and why he was allowed to leave with documents in hand. See: "Sergio Berni fue citado a declarar como testigo ante la fiscal Viviana Fein," La Nación, February 21, 2015, accessed at:

<http://www.lanacion.com.ar/1770367-sergio-berni-declarara-como-testigo-ante-la-fiscal-viviana-fein-alberto-nisman>. There are also multiple allegations of mishandling of evidence at the scene of the crime, including handling Nisman's cell phones after they were supposed to be secured as evidence. See: "La testigo del caso Nisman que denunció irregularidades declaró ante la fiscal Fein," La Nación, February 19, 2015, accessed at: <http://www.lanacion.com.ar/1769662-la-testigo-del-caso-nisman-que-denuncio-irregularidades-declara-ante-la-fiscal-fein>

¹⁷ "En su ultimo discursos ante la Asamblea Legislativa, La Presidenta cuestionó a Nisman y atacó con dureza la justicia," La Nacion, March 1, 2015, accessed at: <http://www.lanacion.com.ar/1772522-cristina-kirchner-mensaje-ante-la-asamblea-legislativa-apertura-sesiones-ordinarias>

negotiating with the perpetrators of the crime, but successive U.S. administrations were increasingly downplaying the Iranian threat.

To Nisman the heart of the matter was the role of Iran in the region, and the dangerous alliances that regime has been developing in conjunction with its allies, primarily Venezuela and Argentina. Over his decade-long investigation Nisman probed not only the events directly tied to the 1994 bombing, commonly called the AMIA case,¹⁸ but also the geopolitical context in which it took place in order to understand not only who set off the bomb, but to what end. As he noted in his 2013 superseding legal complaint in the AMIA case, the Iranian government's intent to violently export its radical Islamist revolution "was never masked by Tehran and is in fact written into its own constitution."¹⁹ Yet the evidence of Iran's intentions is widely ignored.

Nisman issued a special report in 2013 detailing the Iranian revolutionary leaders' clearly articulated policy of exporting their revolution "with guns and grenades" almost from the inception of the 1979 revolution, along with the embrace of terrorism as an acceptable tool to achieve those ends. He tied this to the decision by senior Iranian officials to order the AMIA attack as part of their *modus operandi* in multiple terrorist plots. Nisman had found the published records, reported at the time in the Iranian press and elsewhere, of the meetings Iran's revolutionary leaders held in the early post-revolution 1980s where key decisions, still being followed to this day, were made. These include, as will be discussed in detail below, the decision to enshrine in the preamble to the nation's new constitution the Mullah's established policy of world domination in the name of Allah.

Ironically, prior to 9/11, the CIA and other parts of U.S. intelligence community shared the concerns Nisman expressed many years later. Former U.S. Treasury and FBI official Matthew Levitt has established this, tracking down now-declassified CIA cables documenting the concern.²⁰ These documents show the CIA continually monitored Iranian activity in the Latin America and believed, as one 1986 assessment stated, that "Iran's support for terrorism stems primarily from the perceptions of the clerical regime that it has a religious duty to export its Islamic revolution and to wage, by whatever means, a constant struggle against the perceived oppressor states."²¹ Four years later another assessment determined that then-President Rafsanjani would continue to use terrorism as a tool to aggressively export the Iranian revolution.²²

Yet, after 9/11, U.S. official interest in Latin America as a strategic theater and potential threat vector diminished, and the two plots were seldom viewed in the policy or intelligence communities as being related or part of a larger pattern. U.S. officials, largely dismissed

¹⁸ The July 18, 1994 bomb struck the *Asociación Mutual Israelita Argentina* (AMIA) building, or the Israelite Argentine Mutual Association.

¹⁹ Summary of the Nisman findings given to the author by Nisman.

²⁰ Matthew Levitt, "The Iranian Security Threat in the Western Hemisphere: Learning from Past Experience," The Johns Hopkins University Press, SAIS Review, Vol. 32, N. 1, Winter-Spring 2012, P. 157-168.

²¹ "Iranian Support for International Terrorism," Memorandum for the DCI, November 22, 1986, approved for release June 1999.

²² "Iranian Support for Terrorism: Rafsanjani's Report Card," Terrorism Review, Directorate of Intelligence, Central Intelligence Agency, August 9, 1990, declassified June 1999.

Nisman's insistence that the Iranian state was not only responsible for the 1994 bombing but also remained an ongoing threat in the region.

Perhaps Nisman's most significant contribution to the United States was his detailed revelations of Iran's involvement in the 2007 plot to ignite the massive gas lines and fuel tanks at JFK Airport in New York City, which the perpetrators, all convicted and serving time in U.S. prisons, bragged would be "bigger than 9/11."

"Any time you hit Kennedy it is the most hurtful thing to the United States," said Russell Defreitas, one of the plotters, after videotaping the perimeter of the airport as part of the preparation for the attack. "To hit JFK, wow. They love J.F. Kennedy like he's the man. If you hit that, the whole country will be in mourning. It's like you kill the man twice."²³

Another defendant, Abdul Kadir, who had acted for years as an Iranian agent, was arrested as he was preparing to board a flight to Venezuela, with an ongoing ticket to Iran on the twice-weekly flights between Caracas and Tehran.²⁴

Nisman showed the plot was fully backed by Iran, and he laid out the many parallels between that plot and the AMIA bombing. The JFK information was based in part on open source U.S. court documents²⁵ but largely ignored by policy makers and the intelligence community in the United States. Yet it clearly showed that Iran was willing to carry out a terrorist attack inside the United States if the opportunity arose, and indeed put money into an account of a Shiite mosque in Guyana to help finance the preparations. Kadir, who was communicating with the Moshan Rabbani – the same Iranian leader who planned the AMIA bombing – was a leader of the plot.²⁶

²³ "Four Charged in JFK 'Bomb Plot'" BBC News, June 3, 2007, accessed at: <http://news.bbc.co.uk/2/hi/6715443.stm>. The official complaint against Defreitas, with many more such statements and hate speech can be found here:

<http://www.justice.gov/usao/nye/pr/2007/Defreitas.complaint.pdf>

²⁴ Anna Mahjar-Barducci, "The Iranian Factor in the Caribbean Terror Plot to Bomb JFK," The Glandstone Institute International Policy Council, June 23, 2011, accessed at:

<http://news.bbc.co.uk/2/hi/6715443.stm>

²⁵ Simon Romero, "Prosecutor in Argentina Sees Iranian Plot in Latin America," The New York Times, May 29, 2013, accessed at: <http://www.nytimes.com/2013/05/30/world/americas/prosecutor-in-argentina-says-iran-plotted-with-hezbollah-in-latin-america.html>. An English language summary of his report can be found here:

http://www.defenddemocracy.org/content/uploads/documents/summary_%2831_pages%29.pdf

²⁶ The description of payment to the mosque in Guyana can be found in Nisman's summary. For one of the few times the Iranian connection to the plot was mentioned during the trial see: A.G. Sulzberger, "Trial Focuses on Iran Ties of Kennedy Plot Suspect," The New York Times, July 21, 2010, accessed at: <http://www.nytimes.com/2010/07/22/nyregion/22kennedy.html>. One of the great ironies of Nisman's last investigation is that foreign minister Héctor Timerman is heard bragging on a wiretap that he himself had revealed to U.S. officials that the JFK plot was Iranian directed.



Figure 4: Abdul Kadir posing with weapons while plotting to blow up JFK airport.

The JFK plot was followed by Iran's support of a 2011 plan to kill the Saudi ambassador in the United States while he dined at restaurant in Washington, D.C., essentially an act of war. Authorization for the attack, in which Iranian agents thought they were hiring a Zeta cartel hetman for the job, was given at the highest levels of the Iranian government and included the Iranian government paying tens of thousands of dollars to get the plot underway.²⁷ An informant for the Drug Enforcement Administration thwarted the plot.

The Gathering Storm of Iran and the Bolivarian States

Nisman saw two issues that left him profoundly concerned not only about Iran's involvement in the AMIA case, but also about the spread of the Iranian threat, as shown by the plots on JFK and the Saudi ambassador, as well as evidence of Iranian activities in Guyana, Suriname, Brazil and elsewhere in the region.

One issue was the striking similarity in the language and strategic framework between Iran and revolutionary model embraced by Chávez and his supporters in the self-described

²⁷ "Iranian plot to kill Saudi ambassador thwarted, U.S. officials say," CNN Wire Staff, October 12, 2011, accessed at: <http://www.cnn.com/2011/10/11/justice/iran-saudi-plot/>. A full copy of the FBI complaint outlining the plot can be found here: <http://i2.cdn.turner.com/cnn/2011/images/10/11/complaint.amended.pdf>

“Bolivarian Revolution,” with which the Fernández de Kirchner government was allying ever more closely. Both revolutions, the Iranian and the Bolivarian, used identical words to describe their struggle in favor of the “oppressed” and against the “oppressor states”, and both defined the United States as the fulcrum of the oppression. Not only were the words similar, but the two revolutions found a common point of departure for their vision of the need to attack the United States, based on their individual interpretations of the 1979 Iranian revolution.

For the Iranians, the revolution was an act of Allah striking the infidel United States; while for the Bolivarians, the revolution was a lesson in successful asymmetrical warfare against the United States. This analysis by the Bolivarians led to the adoption of a doctrine of asymmetrical warfare that embraces the use of weapons of mass destruction against the United States.²⁸

As the Fernández de Kirchner government began its clandestine rapprochement with Iran, it adopted more and more of the virulently anti-U.S. language of Chávez and his acolytes. This was more than just words. It was a coherent strategy and line of action based on an intellectual framework first propounded by Carlos Ilich Sánchez, better known as Carlos the Jackal, the most famous terrorist of the 1970s and 1980’s, and his ideological successor, Jorge Verstrynge. Both posited the thesis that radical Shiite Islam, embodied in the Iranian revolution, and the Bolivarian revolution led by Chávez, were natural allies in the global effort to destroy the United States and had to act in concert to achieve this goal.²⁹

The second issue that worried Nisman was the rapidly growing Iranian diplomatic and intelligence presence in the Latin America -- a key development in the years prior to the AMIA bombing. Accompanying the growing diplomatic presence were a host of secret agreements. The first ones were largely between Venezuela and Iran, with the establishment of financial institutions designed to help Iran evade international sanctions along with the signing of dozens of bilateral agreements that did little other than facilitate

²⁸ For a more complete look at the Venezuela-Iran relationship and the doctrine of asymmetrical warfare see: Douglas Farah, “Transnational Organized Crime, Terrorism and Criminalized States in Latin America: An Emerging Tier-One National Security Threat,” Strategic Studies Institute, U.S. Army War College, August 2012. Accessed at:

http://www.strategycenter.net/research/pubID.290/pub_detail.asp

²⁸ This information comes from sources with direct knowledge of events in both Argentina and Venezuela.

²⁹ Ilich Sánchez wrote a 2003 treatise, “Revolutionary Islam,” in which he praised Bin Laden, while serving a life sentence in a French prison and after converting from a Marxist Palestinian revolutionary to Islam. His thesis was that both violent Marxist movements were Iran’s revolution are natural allies in fighting to rid the world of imperialism and seeking a new world order free from the yoke of U.S. imperialism. To do this, he said, the two forces were justified in using weapons of mass destruction against the U.S. “empire.” Verstrynge followed with a 2005 monograph titled, Peripheral Warfare and Revolutionary Islam: Origins, Rules and Ethics of Asymmetrical Warfare (*Guerra Periférica y el Islam Revolucionario: Orígenes, Reglas y Ética de la Guerra Asimétrica*), mocking the U.S. as a hollow force and saying that the Islamic-Bolivarian alliance had not only the right but the duty to use WMD against the “empire.” This book was adopted as official military doctrine by the Venezuelan military. For a full discussion of these works see: Farah, “Transnational Organized Crime, Terrorism and Criminalized States in Latin America: An Emerging Tier-One National Security Threat,” op. cit.

the untraceable movement of billions of dollars.³⁰ Under the Fernández de Kirchner government, Argentina had become a full partner in the relationship, offering opportunities to triangulate illicit businesses among Argentina, Venezuela and Iran. On March 9, 2015 President Obama, citing rampant corruption and abuses of the Maduro government, labeled Venezuela “an extraordinary threat to the national security” of the United States.³¹

Although it did not appear in Nisman’s indictment, he understood this growing alliance between Venezuela and Argentina was a significant part of Iran’s agenda in the region.³² Venezuela’s desire to build a nuclear relationship with Argentina was directly tied to Iran’s efforts to acquire the technology, and Venezuelan leaders had reportedly agreed to pass the technology on to Iran.³³

It is often forgotten that, prior to the AMIA bombing, Argentina and Iran had a robust nuclear cooperation program, and Iran’s reactors were retrofitted with Argentine nuclear technology in the 1980s. Nisman had identified the suspension of the nuclear cooperation agreement, under pressure from the United States and other nations, as a key trigger in Iran’s decision to carry out the AMIA bombing.³⁴ In 2002 Iran made additional overtures to Argentina on the nuclear front, which were rebuffed. In 2007, Chávez reportedly interceded with Kirchner on behalf of Iran in order to acquire nuclear technology.³⁵ In 2009, Iran publicly stated its willingness to buy nuclear fuel from “any supplier, including Argentina.”³⁶

In addition nuclear overtures, Venezuela and Argentina have developed an elaborate and opaque mechanism for transferring millions of dollars in funds between the two nations with no oversight or accountability. One of the primary mechanisms was a program called “200 Socialist Factories,” (*200 Fábricas Socialistas*). Venezuelan government documents show that this program, although producing few functioning factories and even fewer economic benefits, allowed for direct Iranian participation in the ventures, most likely as a

³⁰ Farah, “Transnational Organized Crime, Terrorism and Criminalized States in Latin America: An Emerging Tier-One National Security Threat,” op. cit.

³¹ William Neuman, “Obama Freezes Assets of Seven Venezuelan Officials,” The New York Times, March 9, 2015, accessed at: <http://www.nytimes.com/2015/03/10/world/americas/obama-freezes-assets-of-seven-venezuelan-officials.html?hp&action=click&pgtype=Homepage&module=second-column-region®ion=top-news&WT.nav=top-news&r=0> The executive order can be seen here: <http://www.whitehouse.gov/the-press-office/2015/03/09/fact-sheet-venezuela-executive-order>

³³ This information comes from sources with direct knowledge of events in both Argentina and Venezuela.

³⁴ For a comprehensive look at the Argentine-Iran nuclear cooperation see: Kaveh L. Afrasiabi, “Iran Looks to Argentina for nuclear fuel,” Asia Times, November 6, 2009, accessed at: http://www.atimes.com/atimes/Middle_East/KK06Ak02.html

³⁵ Pepe Eliashev, “Argentina negocia con Irán dejar de lado la investigación de los atentados,” Perfil (Argentina), March 26, 2011; Casto Ocando, “Possible Nuclear Cooperation Between Venezuela, Argentina and Iran,” Univision Noticias, July 12, 2011, accessed at: <http://univisionnews.tumblr.com/post/7546036783/possible-nuclear-cooperation-between-venezuela>

³⁶ Asia Times, op. cit.

way of moving money that otherwise would be frozen under international financial sanctions.³⁷

Unlike virtually every other intelligence service in the hemisphere, Nisman documented, through little-studied reports, informants, and the Iranian media, how official Iran state policy embraced assassination and terror, something which it never tried to hide and has never recanted.

Iran's Stated Goals and Strategy

Many of the assumptions undergirding Prosecutor Nisman's work were drawn directly from the Iranian constitution, an extraordinary document in which Iran stakes its claim to world domination in the name of Allah. It is worth a somewhat extended review here. The preamble to the Iranian constitution states:

With due consideration for the Islamic Element of the Iranian Revolution, which has been a movement for the victory of all oppressed peoples who are confronted with aggressors, the constitution shall pave the way for perpetuation of this revolution within and outside the country, particularly in terms of the expansion of international relationships with other Islamic and popular movements. The Constitution seeks to lay the groundwork for the creation of a single world nation...and perpetuate the struggle to make this nation a reality for all the world's needy and oppressed nations.

It goes on to say that:

"In establishing and equipping the country's defense forces, we will allow for the fact that faith and ideology constitute the foundation and the criterion we must adhere to. Therefore, the army of the Islamic Republic of Iran and troops of the Revolutionary Guard will be created in accordance with the objective mentioned above, and will be entrusted with the task not only of protecting and preserving our borders, but also an ideological mission, that is to say, Jihad in the name of Allah and the world."³⁸

Shortly after Nisman's 2013 report, the U.S. Department of State issued a Congressionally – mandated report on Iran's activities in Latin America which completely ignored Nisman's fieldwork, as well as dissenting views within the U.S. government – most notably U.S. Southern Command, which has military responsibility for the region. Instead the State Department concluded that, while Iran's interest in Latin America "is of concern," Iranian "influence in Latin America and the Caribbean is waning."³⁹ In September 2014 the Government Accountability Office (GAO) issued a sharp critique of the State Department

³⁷ Documents in possession of the author.

³⁸ Translation of the Iranian Constitution of 1979 provided by the University of Nevada Las Vegas, accessed at: <https://faculty.unlv.edu/pwerth/Const-Iran%28abridge%29.pdf>

³⁹ U.S. Department of State, "Annex A: Unclassified Summary of Policy Recommendations," June 2013. Most of the seven-page report was classified.

effort, noting the report only fully addressed two of the 12 issues raised, while partially addressing six issues, and leaving four completely unaddressed.⁴⁰

This is the context in which Nisman was working on his final indictment, and which helps explain the urgency he felt in taking action. He was not a minion of the U.S. government, but rather was increasingly at odds with the U.S. policy establishment whose views were almost diametrically opposed to what his investigations were finding. Given Iran's history and policies, Nisman viewed the decision of Fernández de Kirchner's government to secretly cover up and bury evidence of Iran's participation in the AMIA case to be a crime close to treason.

The Accusation

Nisman was direct in his accusation, saying that:

During the time this criminal plot was hatched and implemented, the energy crisis which then as now was affecting the country, and the desire to reestablish full commercial relations at the government level were, together with a diplomatic strategy of rapprochement with the Islamic Republic of Iran, decisive factors in persuading the nation's leader, Dr. Cristina Elisabet Fernández, with the indispensable and invaluable participation and collaboration Héctor Timerman, to make the unfortunate decision to implement this immunity plan at the expense of justice in the AMIA case.⁴¹

According to the judicial accusation, the president personally directed a plot to grant immunity for five Iranian officials whom Nisman had indicted. In his original 2006 indictment, Nisman charged six senior Iranian officials and a senior operative of Hezbollah, Iran's non-state proxy and a U.S. and UN-designated terrorist organization, with directing, planning and executing the attack.

The Argentine indictment is the basis for outstanding INTERPOL "red notices" requesting the arrests of the Iranian suspects. They include: Amad Vahidi, the recently retired minister of defense, who at the time of the 1994 bombing was the head of Iran's elite Quds Force; Moshen Rabbani, a senior cleric responsible for handling Iranian affairs in Latin America; and Mohsen Rezai, who at the time of the bombing was the head of the Iranian Revolutionary Guards Corps (IRCG).⁴² Imad Munghniyah, a well-known senior Hezbollah operative responsible for multiple attacks against U.S. citizens, including the 1983 U.S.

⁴⁰ United States Government Accountability Office, "Combatting Terrorism: Strategy to Counter Iran in the Western Hemisphere Has Gaps that State Department Should Address," September 2014, p. 8, accessed at: <http://www.gao.gov/assets/670/666202.pdf>

⁴¹ Nisman, p. 3.

⁴² Interpol Media Release, "INTERPOL Executive Committee Takes Decision on AMIA Red Notice Dispute," March 15, 2007. The notice ratified the 'red notices' for Iranian officials Ahmad Vahidi, Mohsen Rabbani, Ali Fallahijan, Ahmad Reza Asghari, Mohsen Rezai, and Hezbollah operative Fayez Munghniyah, who was killed in 2008. INTERPOL declined to issue warrants for three other indicted Iranian officials: Ali Rafsanjani, who was president of Iran at the time of the attack; Ali Akbar Velayati, who was foreign minister; and Hadi Soleimanpour, former Iranian ambassador in Buenos Aires.

Embassy and Marine barracks bombings in Beirut, who was killed in a joint U.S.-Israeli operation in 2008, was also indicted.

In order to carry out the plan, Nisman alleged, Fernández de Kirchner relied on a small group of her inner circle with deep ties to the Iranian regime. The evidence for this is based on many hours of legally authorized telephone taps of those involved in the plan, in which they not only discuss in great detail what the plan is, but how the president herself was constantly kept apprised of its development and may have met personally with the Iran's trusted mediator to discuss the issue.

It is worth looking at some of the main interlocutors in this plan to develop a back channel deal, because their close association with the president tells a great deal about Fernández de Kirchner and her government. They appear hundreds of times in the judicial wiretaps that Nisman used to build his case. They speak often to each other, and to others about each other. All are well known for their high profile defense of Iran, their trips to Iran, and their affinity with radical Shi'ite Islamic revolutionary fervor.

Nisman's identification and indictment of this inner core – supported by both testimony of sources and the wiretaps -- show that he was not on a wild goose chase or hunting shadows. He lays out the role of each, and the timelines, based on their constant interaction with each other, and his growing alarm as the chain of wiretaps implicated those at the most senior levels of the government. Moreover, he knew that each had access to, and was in close contact with, those in Iran who had masterminded the AMIA bombing.

The Players

The most prominent were Luis D'Elía, a long-time hatchet man and agent provocateur of the government, who had visited Iran on numerous occasions and bragged about his close relationship with Rabbani, one of those indicted in AMIA case. D'Elía is known for his hate speech, both against Israel and against what he calls the "oligarchy" governing Argentina. He has a long history of participation in political violence, including the violent takeover of a police precinct building which he threatened to burn to the ground. He has been named in multiple criminal complaints, although few have led to jail time, and he has served in senior government positions.⁴³

The second was Jorge "Yussuf" Khalil, identified by Nisman as an agent of the government of Iran and a person in direct contact with both Rabbani in Iran and Abdul Karim Paz, senior Shiite cleric in Latin America closely linked to Rabbani. Khalil is a leader of the At Tauhid mosque, the same mosque in Buenos Aires where much of the AMIA plot was hatched and

⁴³ "Piden precisar los cargos contra D'Elía por la toma de la comisaría," La Nación, December 7, 2005, accessed at: <http://www.lanacion.com.ar/762912-piden-precisar-los-cargos-contradelia-por-la-toma-de-la-comisaria>

where Rabbani was employed before fleeing back to Iran, and where Karim Paz has been a leader and has appeared numerous times with D'Elía.⁴⁴

A third is Fernando Esteche, another leader of the *Quebracho* movement, a coalition of radical leftist organizations which strongly supports Fernández de Kirchner and often acts as shock troops in violent attacks on anti-government protesters.

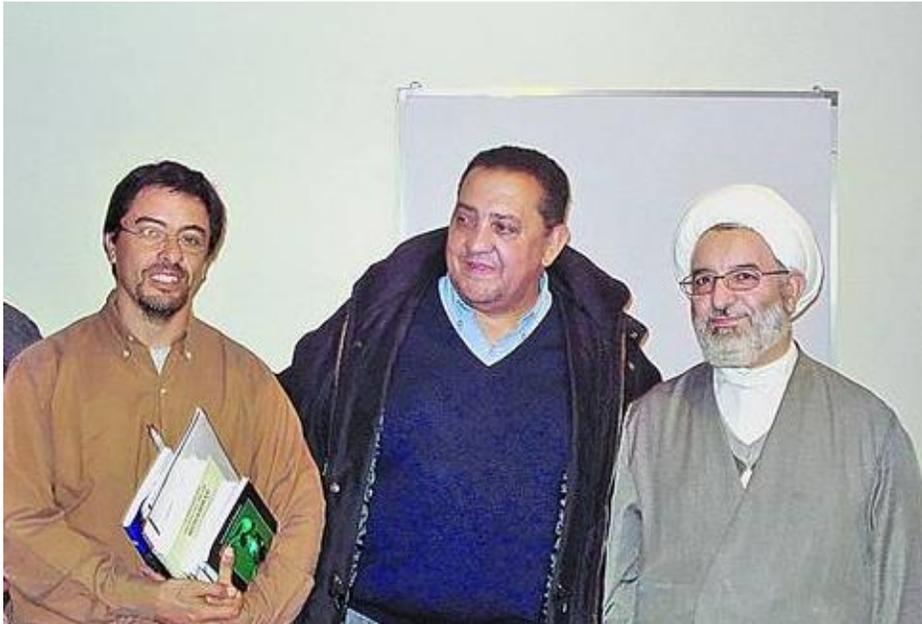


Figure 5: Moshen Rabbani (far right), Luis D'Elía (middle), and Fernando Esteche (left) at a meeting in Qom, Iran. Photo from Clarín.

D'Elía is allegedly the primary contact for Fernández de Kirchner, while Khalil is the primary interlocutor on behalf of the Iranian government. Their long-time friendship and their primary roles in the backchannel talks -- each as the representative of their respective governments -- explains the hundreds of telephone calls between the two.

Together they discuss the Iranian willingness to sell Argentina oil, and their promise to get the Iranian leaders removed from the INTERPOL list. They continually reassure each other, and others, that the plan has been approved at the highest level of both governments, and discuss their meetings with senior administration officials in both nations.⁴⁵ Both were also in charge of developing “new evidence” that would be presented to the joint investigation

⁴⁴ “Pensé que Nisman podía llegar a estar en peligro,” dijo un allegado de Rabbani,” INFBOBAE, January 23, 2015, accessed at: <http://www.infobae.com/2015/01/23/1622561-pense-que-nisman-podia-llegar-estar-peligro-dijo-un-allegado-rabbani>

⁴⁵ This relationship has been explored extensively by the Argentine media, but very little by the international media. See for example: Javier Lozano, “Jorge ‘Yussuf’ Khalil, pieza clave de Irán en Buenos Aires,” TN Noticias, January 15, 2015, accessed at: http://tn.com.ar/politica/jorge-yussuf-khalil-pieza-clave-de-iran-en-buenos-aires_562813. See also: “Se filtró la primera escucha entre D'Elía y Khalil aunque no forma parte de la denuncia,” Radio LT7Noticias, January 22, 2015, accessed at: <http://www.radiolt7.com/notix2//noticia/3-24477--331.htm>. For a look at the relationship each maintained to their respective governments, and the direct conversations with Rabbani, see: “Irán está listo para vender petróleo y comprar armas,” Clarín, February 3, 2015, accessed at: http://www.clarin.com/politica/iran-vender-petroleo-comprar-armas_0_1312669174.html

called for in the MOU. Neither man has disputed the authenticity of the recordings or their meaning.

In a December 2, 2012 wiretap – just a month before the MOU with Iran was announced – Khalil can be heard telling someone he identifies as ‘Hamed’, that soon there will be big news. “Give me a hint, please, you (expletive)...” Hamed says jokingly. “I will only tell you one thing, but by God don’t tell anyone,” Khalil responds. “I am meeting Cristina, but in private, eh? They have promised me that I can place people in important places, everything, even in the embassies.”⁴⁶

In another series of conversations among Khalil, D’Elía and others, there are discussions of how much money they could make after the MOU was approved, and of different business opportunities they could take advantage of. “We are playing in the big leagues now,” Khalil brags at one point. He proposes that they finance the building of an oil tanker, “It costs \$22 million to build one and we can make a profit of \$1 million a month.”⁴⁷

There are indicators in the wiretaps that Iran was also operating at least one safe house, and likely more. In one recording from 2013, Khalil tells D’Elía they need to meet the following day and gives D’Elía an address where the meeting will take place. It is a place D’Elía is clearly unfamiliar with because he asks what floor he should go to. Khalil replies, “No, it is a house,” and then warns D’Elía to lay low and not to talk to the media for at least 10 days. “I have my reasons for saying this, and I will tell you,” Khalil says.

Journalists who visited the given address found an abandoned two-story house which neighbors said had been occupied by a Farsi-speaking couple who did not speak much Spanish. They claimed to sell vegetables from the ground floor, but the neighbors said the produce was always rotten and the business was clearly a front for the strange people who came and went. One person interviewed, who had met Khalil in the house, said it was clearly a safe house, with multiple computers and a bank of electronic equipment on the second floor. The couple who lived there vanished in the middle of the night, approximately two weeks before Nisman was killed.⁴⁸

⁴⁶ “Khalil, un mes antes del memorandum: ‘Me junto con Cristina en privado,’” Perfil.com, March 6, 2015, accessed at: <http://www.perfil.com/politica/Khalil-un-mes-antes-del-memorandum-Me-junto-con-Cristina-en-privado-20150305-0046.html>

⁴⁷ Aurelio Tomas, “Las escuchas destapan más negocios con Irán,” Perfil.com, March 8, 2015, accessed at: <http://www.perfil.com/politica/Las-escuchas-destapan-mas-negocios-con-Iran-20150308-0020.html>

⁴⁸ For a description of the property and vegetable stand see: “La extraña verdulería donde almorzaron D’Elía y Khalil,” Infobae, January 23, 2015, accessed at: <http://www.infobae.com/2015/01/23/1622552-la-extrana-verduleria-donde-almorzaron-delia-y-khalil>



Figure 6: Luis D'Elía (left) and Jorge "Yussuf" Khalil, together in front of an Iranian-funded mosque.
Photo ADN Mundo

In an April 13, 2013 audio file, Khalil angrily refers to the theft of 300 assault rifles, among other equipment, from a farm in the Argentine province of La Pampa. He is reportedly speaking to Ramón Allan Héctor Bogado, an Argentine intelligence agent who was helping Khalil.

"They stole everything from me, apparently...the neighbor went to report that they came to steal, they stole all the weapons. And from me too. And I had all of yours there too," Khalil says. Bogado replies: "No! You are killing me you (expletive)...I can't believe you. What else did they take from you?" "Everything, everything," Khalil replies, "the whole 300, all the automatic rifles there, the television equipment, Everything. I can't call anyone."⁴⁹

The Unraveling

As Nisman notes, the plan ultimately foundered on Argentina's inability to get INTERPOL to lift the red notices -- a source of great irritation for the Iranians as it is an international reminder of their terrorist activities, and presents difficulty in traveling outside friendly countries. In the wiretaps, Khalil and D'Elía grow increasingly angry that the deal has not yet been consummated and blame foreign minister Timerman for "screwing everything up." Without that part of the deal being completed, Iran had little use for the pretense of investigating itself in a crime against humanity. Iran dragged its feet on ratifying the MOU, unwilling to take that step until the INTERPOL issue had been resolved.

⁴⁹ Mary, op. cit.

Fernández de Kirchner, growing increasingly desperate for fuel, and fearing her carefully crafted plan was collapsing, used her September 2013 address to the United Nations to practically beg Iran to continue to negotiate. In the bizarre speech she publicly pleaded with Iran to “tell us if they have approved the agreement, when they are going to approve it if they haven’t already, and, furthermore, that we can agree on a date to form a commission so that the Argentine judge can go to Iran.”⁵⁰

D’Elia and Khalil also ended up on poor terms amid mutual recriminations over the failure of the MOU and accusations of greed. In a June 6, 2013 conversation with Karim Paz, Khalil says “that fat man is a son of a bitch, he is the biggest son of a bitch there is. I hate him with my soul and life. He cost me fortunes.”⁵¹

What the negotiating crews did not know was that the prosecutor in AMIA case had convinced a judge that their discussions were grounds for legal orders to carry out electronic surveillance of those involved. As the conversations unfolded Nisman was said to be shocked by the direction and brazenness of the plot.

Nisman’s findings, made public in his final accusation, as noted earlier, were not really new to the Argentine public. The outlines had been known since the MOU was made public and Fernández de Kirchner’s courtship of Iran had become more public and more desperate.

What the prosecutor’s investigation did was put faces, names, dates and voices to the plan to trade impunity for economic gain, stripping away any pretense that talking to Iran was driven by national interest rather than personal ambition and narrow economic opportunities.

Nisman also made another point abundantly clear, and it is one of the aspects that has most angered the president: Fernández de Kirchner’s actions had not only betrayed Argentina but also the legacy of Néstor Kirchner, Cristina’s late husband and predecessor as president. For Fernández de Kirchner, who has staked her legitimacy on being the rightful heir to Néstor’s legacy, this was a damaging blow. It also places in danger her dream of seeing her son Máximo -- the leader of the youthful, radical *La Cámpora* faction of her party, who himself is under criminal investigation -- ever become president.

Given the environment Fernández de Kirchner has fostered in Argentina, the thugs with terrorist connections she has allied with, her complete disdain for the rule of law, and her manifest tolerance of increasing criminality, it is unsurprising that Nisman was murdered. Whoever did it knew that impunity was their shield. The president and her inner circle -- who are the act’s overwhelming beneficiaries, whether directly involved or not -- have demonstrated that their primary goal now is to make sure there is no serious investigation and that the truth, like so much of the truth of this government, will never see the light of day.

⁵⁰ Lucy Adler, “Argentine President Makes her Speech at the UN General Assembly,” *The Argentina Independent*, September 25, 2013, accessed at: <http://www.argentinaindependent.com/currentaffairs/argentine-president-makes-her-speech-at-the-un-general-assembly/>

⁵¹ Tomas, op. cit.

As one popular joke about the president in Argentina states: “She walked to the edge of the precipice, and took a decisive step forward.” It is a tragedy that honorable citizens like Prosecutor Nisman who stood between her and the abyss are no longer with us.