Argentina Crisis Peaks Following Death of Prosecutor Investigating 1994 Bombing of Jewish Community Center

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Argentina Crisis Peaks Following Death of Prosecutor
Investigating 1994 Bombing of Jewish Community Center

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Since Argentina’s civilian-military dictatorship ended in 1983, the country’s democracy has not lived as critical a moment as it is experiencing today, not even when, in 1985, President Raúl Alfonsín (1983-1989) survived two coup attempts (NotiSur, Jan. 26, 1989, Dec. 2, 2011, and July 11, 2014).

Alberto Nisman—a prosecutor who for the past eight years had investigated the 1994 terrorist attack that killed 85 people at the Asociación Mutual Israelita Argentina (AMIA), a Jewish community center in Buenos Aires—had accused President Cristina Fernández de Kirchner (CFK) and Foreign Minister Héctor Timerman of being "responsible for a criminal plan" to cover up the truth, aligning with the Iranian government to obtain economic benefits (NotiSur, July 29, 1994, Sept. 28, 2001, Sept. 17, 2004, and July 22, 2005).

Three days after he presented his complaint—gleefully amplified by the media and opposition members who followed his actions—Nisman turned up dead, a fact that appears difficult to resolve under the dark fabric that framed it in which intelligence services affected by the government’s cover-up policy occupy a central place.

In this context in which powerful interests—the media, political opposition, major domestic and foreign economic groups—unite to weaken the government, the president is entrenched, along with her allies, and in a first response, sent Congress a bill to dissolve the Secretaría de Informaciones de Estado (SIDE), the intelligence service that has always kept democracy at bay (NotiSur, May 27, 1994).

The process moved at a dizzying pace. Nisman, who had traveled to Holland on Dec. 31 for the beginning of a European trip he had given his daughter for her 15th birthday, interrupted his trip abruptly. On Jan. 14, he returned to Buenos Aires, 17 days early, leaving his adolescent daughter alone in the Barajas Airport in Madrid, where, a few hours later, she was picked up by her mother.

The next day, during the court’s summer recess, Nisman gave the judge on duty a nearly 300-page document that accused CFK and her foreign minister. A special commission of the Chamber of Deputies summoned him to appear on Monday, Jan. 19, to give an in-depth, detailed explanation of the accusation, but on Sunday night his dead body was discovered in his luxury apartment in the Argentine capital.

Based on the details given by the prosecutor investigating Nisman's death, most of the forensic analysts agree that it was a suicide, voluntary or induced, but, nevertheless, a suicide. Conscious of the gravity of the case, the prosecutor has used extreme caution and said only that he is investigating all leads, although he clarified that "a second person did not participate in the event."

In other words, Nisman was alone at the time he died.

Nisman’s complaint stated that the president and her foreign minister had pushed to sign a Memorandum of Understanding with Iran—this occurred on Jan. 27, 2013—with the goal of clearing
the Islamic Republic, accused of being the principal responsible for the planning and execution of the AMIA bombing, in the investigation into the bloody incident.

For that to happen, Nisman said that the Argentine government pledged to "construct" a red herring that would finger "a group of Argentine fachos [fascists]" as the perpetrators and would ask Interpol to lift the "red alert" calling for the urgent capture of six Iranian diplomats (NotiSur, Sept. 12, 2003, Nov. 3, 2006, and Nov. 16, 2007). In exchange, Argentina would ensure a transaction in which Iran would provide the country with oil and purchase Argentina’s surplus soybean production.

**Bilateral trade unchanged, contrary to accusation**

None of this occurred. From the time that Nisman wrote his complaint, and even after his death, the government never added anything to the case involving "fascists." In addition, Argentina never received Iranian oil nor sold soybeans to that country, and trade between the two countries continued as insignificant as always. In all of 2014, Argentina imported Iranian products—saffron, ethanediol, and canning jars—for a total of just US$6.2 million, equivalent to 0.01% of the US$65.25 billion it spent on imports that year. Iran didn’t buy even 1 ton of soybeans.

In addition, the until-last-November secretary-general of Interpol Ronald Kenneth Nobel wrote to Foreign Minister Timerman, countering the prosecutor and praising the persistence of the administration in maintaining the order for the red alerts. "On each occasion that you and I speak or see each other, you have indicated that Interpol should keep the high alert notifications in force. Your position and that of your government was always consistent and firm," Noble wrote.

Both the judge hearing the AMIA case as well as other judges and a recently retired member of the Corte Suprema de Justicia (CSJ) raised suspicions about the document prepared by Nisman. They agreed that it didn’t seem to be written by a lawyer and that he had not checked the veracity of serious information he used to cast blame on the president and the foreign minister.

Nisman’s complaint, seen in various circles as the strongest attack suffered by the country's democratic institutionality since the end of the civil-military dictatorship, dominated the scene but did not push the judiciary’s strong offensive off the front pages, and with ostentatious support of major media, kept the government under constant pressure.

This offensive began several months ago with the declaration of unconstitutionality of the main laws passed by the government, with the courts' summons of high-ranking government figures such as the president and the minister of justice, and even with processing the vice president for an apparent error in registering a vehicle purchased in 2001. Thus, associations of judges and prosecutors have made it known that they are willing to back the opposition’s governing program in which they have already announced that, if they win the elections next October, they plan to repeal laws passed with a ruling-party majority since 2003.

**Foreign firms accused of tax evasion**

This critical stage of Argentina’s institutionality is complemented by what the president called "active coupism," which Cabinet Chief Jorge Capitanich had already in October 2014 identified with "bankers, exporters, farmers, ranchers, and business people here and in the US who pressure to benefit from a monetary devaluation."
Diplomatically, US Assistant Secretary of State for Western Hemisphere Affairs Roberta Jacobson was quoted by the DPA news agency as saying that "relations between our countries are going through a difficult period."

Those charged with tax evasion and capital flight are multinational firms Procter and Gamble, General Electric, InBev and AmBev, Donnelley, and, among others, HSBC (Hong Kong Shanghai Banking Corporation). Maneuvers denounced by fiscal authorities (Administración Federal de Ingresos Públicos, AFIP) include underbilling exports, overbilling imports, and manipulating transfer prices in an attempt to evade taxes.

In the case of HSBC, the Argentine subsidiary, together with those in the US and Switzerland, was accused of illegally establishing overseas accounts for 4,040 Argentine citizens. The information reached the country thanks to an agreement signed with French tax authorities and which Argentina sent to the US Securities and Exchange Commission (SEC).

This is not the only appearance of the US in events that affect and weaken Argentina’s fragile democracy. In PolitiLeaks, a book published in 2014 without much notice, author and journalist Santiago O’Donnell revealed a series of US diplomatic cables about Argentina that Julian Assange, director of the organization WikiLeaks, received. In these cables, the relationship between prosecutor Nisman and US and Israeli intelligence services and the US Embassy in Buenos Aires are documented.

A May 22, 2008, document said that "the officials of our legal office recommended that Prosecutor Nisman focus on those who perpetrated the attack and not on those who derailed the investigation," in a reference to ex-President Carlos Menem (1989-1999), the former head of the intelligence services Hugo Anzorreguy, and Rubén Beraja, former president of the Delegación de Asociaciones Israelitas Argentinas (DAIA), the powerful political organization of the Jewish community in Argentina.

A May 27, 2008, cable signed by the then ambassador Earl Anthony Wayne said that Nisman had visited him "to apologize for not giving the Embassy advance notice that he would be requesting the arrest of former President Carlos Menem and other former government and judicial officials" and that Nisman had offered to sit down to discuss his next actions.

One day before Nisman died, the journalist, speaking on the radio program Voces del Sur, said that the prosecutor had said, during an interview after the appearance of the book, that the information about the case had been given him by SIDE and CIA officers working at the US Embassy.

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