

# Can Argentina Find Justice Without Alberto Nisman?

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## ABOUT THE AUTHORS



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Articles & Testimony

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**The prosecutor investigating a suspected government cover-up of the 1994 AMIA bombing has died suspiciously, sparking mass protests and raising questions about whether anyone else will pursue the case with similar determination.**

**O**n Jan. 14, Argentine special prosecutor Alberto Nisman filed a legal complaint formally accusing President Cristina Fernandez de Kirchner and Foreign Minister Hector Timerman of trying to cover up Iran's role in the 1994 bombing of a Jewish cultural center in Buenos Aires that left 85 people dead. Kirchner and Timerman, Nisman claimed, were covering Iran's tracks in exchange for oil. Four days later, Nisman was found dead in his apartment.

The day after his death, Nisman was supposed to appear before Argentina's Congress to present new evidence backing up his accusations of Kirchner's cover-up. Local media reported unnamed sources saying that because a gun was found next to his body and his apartment was locked from the inside, Nisman committed suicide. I don't believe it.

I knew Alberto Nisman from years researching Hezbollah activities in South America for my book *Hezbollah: The Global Footprint of Lebanon's Party of God* (<http://www.washingtoninstitute.org/policy-analysis/view/hezbollah-the-global-footprint-of-lebanons-party-of-god>). The idea that he would commit suicide just as the investigation into the 1994 attack is finally making headway simply does not comport with the man and his years-long, dogged commitment to bringing the perpetrators of this horrific act of terrorism to justice. After Nisman filed his complaint last week, Kirchner's administration insisted the charges "have no foundation," but neither those charges nor the sudden, suspicious death of the prosecutor who brought them would be the first time the case was marred by political corruption and illegal activities at the highest levels.

Nisman's latest complaint stemmed from a bilateral deal that Iran and Argentina concluded last year to establish a

joint investigation into the blast at the Argentine Israelite Mutual Association (AMIA), which injured more than 150 in addition to killing 85. The Argentinian state investigation into the bombing, led by Nisman, had already concluded in 2006 that Iran and Hezbollah were behind the attack. Since then, Argentine authorities had sought the extradition of eight Iranians for their roles in the bombing, including several senior government, intelligence, and Revolutionary Guard officials. The deal for a joint investigation, it seemed, aimed to reorient the investigation away from Iran in return for improved diplomatic and economic relations between the two countries. Kirchner promised to absolve former Iranian officials accused of masterminding the attack, Nisman charged, in exchange for Iranian oil, possibly at a reduced price. A federal court ruled the bilateral agreement for the joint investigation unconstitutional in May 2014, but an appeal to the country's supreme court is pending.

From the outset in 1994, before Nisman was assigned to the case, the Argentine investigation into the AMIA attack was handled poorly. Then-Argentine President Nestor Kirchner, the current president's late husband, would later describe it as "a national disgrace." The only people convicted of crimes related to the attack were corrupt police officers involved in the sale of the Renault Trafic van that the attackers loaded with explosives. Judge Juan Jose Galeano, who was appointed to serve as chief prosecutor, originally maintained his full caseload while overseeing this major case. Once he took on the AMIA investigation full time, he was caught attempting to bribe a defendant (the defendant himself being an accused corrupt police officer) to falsely accuse other police officers of involvement in the case. This and other "irregularities" -- including the charge that Carlos Saul Menem, who was president during the bombing, maintained close ties to Iranian intelligence and accepted a \$10 million bribe from Iran to cover up the Islamic Republic's role in the attack -- led a grand jury to impeach Galeano in December 2003 for official misconduct.

At that point, although Galeano had issued his report and handed down indictments, Judge Rodolfo Canicoba Corral took over the case and assigned a team of experienced federal prosecutors to the investigation. Led by Nisman, the team re-investigated the AMIA bombing from scratch, despite the passage of more than a decade since the attack.

Nisman's single-minded determination to see justice served and bring closure to the victims and their families energized the investigation and produced a thorough, compelling case file pointing to Iran and Hezbollah as the culprits.

The investigation covered hundreds of files, produced 113,600 pages of documentation, leveraged telephone intercepts, and incorporated previously classified material from Argentina's main intelligence agency. Some of the material prosecutors sought was no longer available, such as financial records destroyed by banks after 10 years, as required by Argentine law. Other information the prosecutors wanted for their investigation was -- to their dismay and surprise -- never maintained in the first place. Detailed immigration records of the accused bombers and other supporters, which could have shed light on their comings and goings from the country before and after the bombing, were non-existent.

Nisman's 2006 investigative report concluded that the evidence did not suffice to support the indictment and arrest of some of the individuals fingered by Galeano three years earlier, though he determined that several additional suspects should be indicted. These included Hezbollah's operational mastermind Imad Mughniyeh, former Iranian President Ayatollah Ali Akbar Hashemi Rafsanjani, and former Revolutionary Guards Corps chief Mohsen Rezaei, among others.

But the prosecutors' report reserved particular criticism for Galeano's findings regarding Iran and Hezbollah. While Galeano concluded that the AMIA bombing was the work of "radicalized elements of the Iranian regime," Nisman's team determined "that the decision to carry out the attack was made not by a small splinter group of extremist Islamic officials, but was instead a decision that was extensively discussed and was ultimately adopted by a consensus of the highest representatives of the Iranian government." New indictments were issued and INTERPOL put out "red notices" to facilitate the arrests of the accused.

Given such a definitive conclusion by the government-appointed investigators, the deal between Buenos Aires and Tehran eight years later was always suspect. And it was never clear how Kirchner's government planned to whitewash the evidence of Iran's role in the attack, which had been documented in the voluminous investigative files.

With Nisman's suspicious death, a deal with Iran may no longer be necessary to derail the investigation. Alberto Nisman was a uniquely determined and undeterred prosecutor. Argentine media has responded with rage and incredulity, and Buenos Aires and other cities have seen thousands of protestors take to the streets. Replacing Nisman will be no small feat. And yet, Kirchner's government now bears the responsibility of doing just that. Nisman's replacement must be an equally tenacious fighter for truth, and the government must partner with this new prosecutor, not obstruct her or his investigation.

I met Alberto Nisman several times over the years -- in my office, around Washington, D.C. over coffee -- and each time he was more animated than the last. In our final meeting, he was eager to follow up on leads about Mohsen Rabbani. Rabbani was the accused Iranian mastermind of the AMIA bombing, and his name had come up in a terrorism case in Brooklyn, NY, for which I was an expert witness. I put Nisman in touch with the prosecutors, and he soon left Washington for New York to meet with them.

As I was writing my book, trying to navigate the convoluted details of the AMIA bombing and other Hezbollah plots, Nisman was an invaluable resource. He was a sounding board with whom I could confirm facts and clarify events as I tried to understand what was happening. Soon after Nisman filed his complaint of a cover up, I wrote in an email to some colleagues: "The victims of this horrific attack and their families are still a long way from closure or justice, but the determination of Mr. Nisman -- the Eliot Ness of the AMIA conspiracy -- should at least give them some measure of hope."

Today, we are left hoping for closure and justice not only for the victims of the AMIA bombing but for the man who tried more than anyone else to bring them just that.

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*Foreign Policy*

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