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FUENTES OIO AMERICAS UNIT

E.O. 12958: DECL: 05/23/2028

TAGS: PTER, PREL, PGOV, KJUS, AR

SUBJECT: ARGENTINA: AMIA PROSECUTOR EXPLAINS HIS REQUEST FOR ARREST OF MENEM AND OTHERS IN AMIA CASE

REF: A. BUENOS AIRES 0702

B. 1998 BUENOS AIRES 5826

C. 2004 BUENOS AIRES 2540

D. BUENOS AIRES 646 AND PREVIOUS

Classified By: Ambassador E. Anthony Wayne for reasons 1.4 (b) & (d).

1. © **Summary:** AMIA Special Prosecutor Alberto Nisman called the Ambassador on May 23 to apologize for not giving the Embassy advance notice of his (ref A) request for the arrest of former President Menem and other GOA officials for their alleged roles in the cover up of the ""local connection"" in the 1994 terrorist bombing of the AMIA Jewish community center. He also assured the Ambassador that the coincidence of the arrest request with the visit of FBI Deputy Director Pistole was completely unintentional. He confirmed that the GOA had been aware ahead of time that he was going to make the announcement and said that he had been able to advance the case using newly declassified documents from Argentina's national intelligence agency (SIDE). Contacts at the Foreign Ministry and at the Argentine

Jewish political organization (DAIA) suspect, however, that the specific timing of Nisman's announcement was driven more by domestic politics than by significant new developments in the case. End Summary.

Nisman Explains His Announcement

2. © AMIA Special Prosecutor Alberto Nisman called the Ambassador May 23 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 for their alleged cover-up/hindrance of the investigation into the local connections with the 1994 Hizballah-executed terrorist bombing of the AMIA Jewish community center. He was especially apologetic that his announcement coincided with the visit of FBI Deputy Director Pistole. Nisman several times said that he just did not think of Mr. Pistole's visit connecting to his announcement.

3. © He noted that he was very sorry and that he sincerely appreciates all of the USG's help and support and in no way meant to undermine that. He said he had been up for 48 hours straight before the announcement preparing it and that he was so focused on getting the details of his case and charges right that he did not think of whom else to inform, especially outside of Argentina. Nisman said he thought th U.S. was primarily focused on who carried out and supported the attack itself, and that we would not care so much if he went after persons suspected of hindering the initial investigation. (Comment: As noted in para 9 of ref A, Legatt officers have for the past two years recommended to Nisman that he focus on the perpetrators of the terrorist attack and not on the possible mishandling of the first investigation. Such action would only confuse the victims' families and distract from the hunt for the real culprits, they argued.) Nisman said he had originally hoped to make his announcement earlier in the week, but it took him longer to get ready than he had planned.

4. © Nisman explained that the government had known ahead of time that he was going to make the announcement this week and that his decision to go ahead with the internal case was made possible by Argentina's national intelligence agency (SIDE) giving him new information: a set of previously unreleased documents which SIDE declassified (SIDE had been promising him more declassified documents for months). Nisman said the new evidence, copies of previously secret documents, made the case extremely strong. For example, he said it showed that GOA officials had been in touch with Iranian Cultural attache Moshen Rabbani, as well as with various Islamic figures and questionable Argentines of Syrian origin. Nisman said that there had been great pressure from the Jewish community to move forward with indictments.

Families of the bombing victims and others concerned with the case felt very passionately about bringing to justice those officials whom they felt had obstructed or halted progress in finding those who locally abetted the attack. Nisman said he looked forward to providing the Embassy a fuller read out next week. (Septels will report comments by President Fernandez de Kirchner and Justice Minister Anibal Fernandez during meetings with Deputy FBI Director Pistole on the handling of the AMIA investigation under ex-President Menem.)

MFA Contact Provides Additional Information

5. © A highly placed MFA contact discussed the case with the DCM on May 23. He worked closely with the Embassy on GOA preparations for the 2007 Interpol Executive Committee and General Assembly meetings. This MFA source stressed that Nisman's actions will not dissuade the GOA from continuing its pursuit of the five subjects for whom Interpol has issued Red Notices. He did not, however, dismiss a possible political angle to Nisman's decision to file charges. He noted that Nisman, in his assessment, "is completely beholden to Alberto Fernandez" (Chief of Cabinet) and obeys Fernandez's orders without question, and he did not discount that the timing of the announcement was "a political operation ordered by Alberto Fernandez."

6. © MFA source pointed out that Nisman has been privy "for years" to the "local connection" information yet had done nothing with it. He noted that he had not yet seen anything new with respect to Menem's possible role in this case. Our MFA source said that the timing of the announcement—with the agricultural strike still unresolved, with President Fernandez de Kirchner's (CFK) popularity plummeting, and with the FBI Deputy Director conveniently in town, making an appearance at AMIA—convinced him that the Casa Rosada ordered Nisman to go forward with the charges against Menem in an attempt to shift the negative media focus away from CFK and the farm dispute and onto the former president. Asked whether he thought the charges against Menem had any basis in fact, he said he had no real basis to know for sure, but opined that it was hard to believe that "Menem could have been so stupid."

Jewish Community Views

7. © PolOff met May 23 with DAIA Political Advisor Alfredo Neuburger (strictly protect). DAIA is the political umbrella organization representing most of Argentina's numerous Jewish entities, including AMIA. Neuburger echoed much of what the DCM picked up in paras 5-6. He said that Nisman's action, and its timing, were likely driven by the Casa Rosada's desperation to change the daily headlines from farm crisis and inflation reports. Neuburger said that was nothing new in what Nisman is charging Menem and the others with.

8. © Neuburger said that the group of AMIA victims' families, Memoria Activa (MA), had been pressuring the GOA to fulfill its commitments made before the OAS' Human Rights Commission to fully investigate the case. He cited a recent interview MA representatives gave to the local Jewish press highly critical of the lack of government action. MA and most of the Jewish community in Argentina have been very positive about the Kirchner administrations' efforts, but this attitude is changing, said Neuburger. He related that MA had requested a recent meeting with CFK, which was not granted, and that they met instead with Secretary General of the Presidency Oscar Parrilli, "standing in a hallway".

Neuburger said that Parrilli was very impatient, with an attitude of "what else do you want."

9. © PolOff noted that the DAIA President, as well as the President of AMIA, had both made public statements supportive of Nisman's actions. Neuburger said that they had little choice but to support publicly any action that appeared to imply progress in the case. He said, however, that the DAIA leadership was very concerned that the AMIA case was, once again, being used for domestic political considerations and was also concerned about the possible impact on the international case and the Red Notices. One final piece of information offered by Neuburger(which the Embassy cannot yet confirm) is that Argentina's Prosecutor General Esteban Righi will be stepping down soon and that Alberto Nisman is supposedly a leading candidate for the position.

Comment

10. © Was the timing of Nisman's announcement politically motivated? Probably. Does he have additional, new information gleaned from SIDE files that further implicates Menem and others in a possible obstruction of justice case? Possibly. Embassy will try to get more information from Nisman and others about the nature of that information and will also work with the Foreign Ministry to head off Iranian efforts to use this latest development to their advantage. If, as many suspect, Nisman's announcement was an attempt by the GOA to bump the farm strike off the front pages, it failed miserably as the breakdown of government-farm sector negotiations is top news in all of the media.

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E.O. 12958: DECL: 05/22/2028
TAGS: PTER, PREL, PGOV, KJUS, AR, FBI
SUBJECT: ARGENTINA: AMIA PROSECUTOR REQUESTS ARREST OF MENEM AND OTHERS
FOR ""LOCAL CONNECTION"" COVER-UP
REF: A. 1998 BUENOS AIRES 05826
B. 2004 BUENOSAIRE 2540
C. BUENOS AIRES 646 AND PREVIOUS**

Classified By: DEPUTY CHIEF OF MISSION THOMAS P. KELLY FOR REASONS 1.4
(B) AND (D)

1. © Summary: Alberto Nisman, Argentina's Special Prosecutor to investigate the 1994 terrorist attack against the Argentine Israeli Mutual Association (AMIA) Jewish community center in Buenos Aires, has requested the arrest of former President Carlos Menem, former federal judge Juan Galeano, and others for their alleged role in covering up and protecting the ""local connection"" involved in the attack (ref A). Both Menem and Galeano have publicly claimed that the accusations are politically-motivated. Galeano added that the accusation is an attempt to divert public attention from the country's current problems, alluding to the ongoing farmers' strike. After the news broke, Legatt contacted Nisman, who apologized for not giving us the heads-up and explained that family members of the victims had pressured him to rectify the mistakes of the previous investigation.

Nisman stated that he had not considered the international implications of the announcement, and offered to sit down with the Ambassador and Legatt to discuss next steps. Post will follow up with Nisman and other relevant GOA authorities. Although it is too early to tell why Nisman chose to make the announcement now, in the past he has told us privately that he aspires to a federal judgeship. His decision to pursue the local connection may be an attempt to ingratiate himself with President Cristina Fernandez de Kirchner (CFK) by going after one of her political enemies. End Summary.

AMIA ""Local Connection"" Reexamined

2. © Francisco Larcher, Under Secretary for Argentina's national intelligence agency (SIDE), told visiting FBI Deputy Director John Pistole and the Ambassador May 22 that criminal charges were to be announced later that day concerning the ""local connection"" (ref A) in the 1994 terrorist bombing of the AMIA investigation. In his carefully crafted comments, Larcher did not specify names, and reference to the ""local connection"" was understood to be phase two of the AMIA investigation, focused on individuals based in the Tri-border Area (TBA) who provided logistical support for the attack.

3. (SBU) Later on May 22, it became clear what Larcher was alluding to. Local media reported that AMIA Special Prosecutor Alberto Nisman had requested the arrest of former

President (and currently Senator) Carlos Menem for his alleged role in covering up and protecting the “local connection” (ref A) in the 1994 AMIA terrorist bombing that killed 85 persons. Nisman also requested that federal judge Ariel Lijo, who is presiding over the court case looking into the mishandling of the first AMIA investigation, issue an arrest warrant for Menem’s brother Munir Menem, former Chief of Intelligence (SIDE) Hugo Anzorreguy, former Undersecretary of Intelligence Juan Carlos Anchezar, former federal judge Juan Jose Galeano, and former federal police counterterrorism chief Jorge “Fino” Palacios. Nisman has accused them of protecting Alberto Kannore Edul, Jr., who is suspected of facilitating the local logistics of carrying out the attack for former Iranian Cultural Attache and suspect Moshen Rabbani.

4. © The first investigation into the AMIA case was widely considered to have been botched, leading to the acquittal in 2004 of the local stolen car ring used to procure the vehicle used in the terrorist attack (ref B). According to one press article, Nisman decided to reexamine this aspect of the case, citing evidence that Kanoore had called former suspect and chop-shop operator Carlos Telleldin on July 10 -- the day the truck that would be used in the attack left Telleldin’s possession. When Kanoore was asked why he made the call, he first said his chauffeur made the call, then later acknowledged that he made the call to confirm the purchase of the truck. In addition, Kanoore’s contact book included the contact information for Moshen Rabbani. The truck was also seen passing a vacant lot close to Kannore’s home five minutes before the attack occurred, the article reported.

5. (SBU) The article goes on to state that Nisman’s complaint alleges that federal judge Galeano ordered authorities to wiretap Kanoore’s telephone calls eleven days after the attack and the discovery that Kanoore had called Telleldin.

The wiretaps continued until August 8, when an unnamed ex-SIDE official called off the wiretap. In addition, the transcripts and tapes of the phone conversations disappeared from Galeano’s office. Galeano later gave a declaration where he admitted that when he arrested Kanoore to interrogate him, he had received a call from Munir Menem who expressed interest in the case. The Kanoores and Menems are reportedly from the same town in Syria, prompting the press to label this as the “Syrian lead”, the article continued.

Menem Rejects the Charges as Politically Motivated

6. (SBU) Menem and Galeano rejected the accusations as politically motivated. Leading daily, “La Nacion,” quoted Menem saying that the Kirchners were using this to deflect attention from their own activities, such as the “valijagate” scandal(ref C). In an interview with “Perfil,” known for its independence and often critical assessments of the Kirchner administration, Galeano claims that the accusations were contrived to divert attention from the country’s current problems, alluding to the Kirchners’ continued problems with the long-standing farm strike. Sergio Burstein of the Friends and Family of AMIA Victims Association stated that if Nisman’s request is approved, it would be the first step towards learning the truth behind the attack.

Nisman's Side of the Story

7. © Shortly after the news broke, Legatt contacted Nisman to get his side of the story. Nisman apologized for not giving us the heads-up and explained that family members of the victims had been pressuring him to rectify the mistakes of the previous investigation. He said he wanted to make the announcement ahead of the July anniversary of the attack and that the timing was not intended to coincide with Pistole's visit. He maintained that it was his obligation as a prosecutor to charge someone when an offense is identified.

8. © When Legatt noted that the announcement may once again prompt the Iranian government to question the credibility or impartiality of the investigation, Nisman said it should not, maintaining that this was what the Argentine justice system should have done in the first place. Upon further reflection, however, Nisman conceded the point and stated that he had not considered the implications of the announcement on the international investigation. Legatt told Nisman that the Ambassador is concerned and wished that Nisman had given us prior notice. Nisman again apologized and offered to sit down with the Ambassador and Legatt to discuss next steps. Post will follow up with Nisman and other relevant GOA authorities.

Comment

9. © Details of the criminal charges against Menem and the other suspects came as a surprise to Post, which up until now had an excellent and fluid relationship with Nisman, primarily via our Legatt Office. In conversations with Nisman two years ago, Legatt officers recommended that he focus on the perpetrators of the terrorist attack and not on the possible mishandling of the first investigation. Such action would only confuse the victims' families and distract from the hunt for the real culprits.

10. © We find Nisman's explanation wanting, given that SIDE gave us a heads-up earlier in the day, albeit cryptically. In the past, Nisman has privately told us, and former colleagues have confirmed, that he aspires to a federal judgeship. His decision to pursue the ""local connection"" may be an attempt to ingratiate himself with President Christina Fernandez de Kirchner by going after one of her political enemies, but it is too early to tell. In the end, Nisman may become a witness in his own investigation since he was an assistant prosecutor during the early stages of the investigation and intimately involved with the former prosecutors who also face charges of malfeasance.

WAYNE

Página 12. Buenos Aires, 28 de febrero de 2011.