

Madam Prosecutor:

Elisa María A. CARRIÓ, on my own behalf, National Deputy domiciled at my public office located at Riobamba 25, office 708 (Attached to the 2nd Chamber of Deputies of the Nation), in this Federal Capital, in case **No. 3559/2015**, I come before the representative of the Public Prosecutor's Office and respectfully state as follows:

I. PURPOSE:

I enclose the following information on the occasion of submitting my witness statement on today's date, which I believe will be of use in clarifying the events being investigated in the present case.

II. IRAN'S INTELLIGENCE WAR AND THE THREE ATTACKS PERPETRATED AGAINST ARGENTINA.

Iran has launched an *intelligence war* in the struggle it is waging against its regional enemies who do not belong to the Shiite crescent (Israel and Saudi Arabia), which it is perpetrating utilizing two major groups: the traditional Iranian grouping on the one hand and that composed of terrorist organizations such as the Lebanese Hezbollah group on the other; this intelligence is gathered via mosques and is characterized by the perpetration of terrorist attacks as a means of attacking its enemies (The regime of the ayatollah).

The attacks carried out by the second group, to which Mahmoud Ahmadinejad and Mohsen Rabbani, among others, have belonged are perpetrated wherever in the world that favorable conditions exist to carry them out through lack of vigilance, the availability of local connections, etc.

[Islamic] Jihad, which means resistance or guerrilla warfare, was founded with Iranian assistance in Beirut.

This intelligence war prompted the first ever attack on Argentine soil, against the Israeli Embassy in Buenos Aires.

1. FIRST ATTACK: ISRAELI EMBASSY

On March 17, 1992, an explosive device destroyed the Israeli Embassy in our country and resulted in the death of over twenty people with more than three hundred injured.

Given that this concerned a diplomatic representation in our country, it was the Supreme Court of Justice of the Nation that was responsible for investigating the attack, as set forth in article 117 of the National Constitution.

As stated in the Impeachment Proceeding we in the ARI filed against the entire bench of the Supreme Court of Justice of the Nation, and of which filing we enclose a copy identified

as **Appendix No. 1**, it is not clear from an analysis of the judicial actions whether the Supreme Court acted with the diligence, effectiveness and zeal necessary to carry out an adequate investigation, above all during the first years of the inquiry.¹

It was at that stage evident that the investigation was lacking in the planning necessary to permit it to establish the means and circumstances under which the attack took place and those responsible for it, or the responsibility of those who were entrusted with the security of the embassy.

The first stage of the investigation, which lasted over five years, had a significant though negative effect, given that the passage of time and the ineptitude exhibited by the court resulted in the loss of valuable evidence and records for the investigation.

As we established at that time from the authenticated copy of the Court's own case file, the investigation lacked any common theme, was sloppy and slipshod and generally lacking in the energy and stamina necessary to investigate an attack of such magnitude.

What was evident was the absence of an exhaustive investigation that would allow effective charges to be filed against those responsible for one of the most serious attacks ever carried out in

¹ Case file No. 8629-D-2001, Honorable Chamber of Deputies of the Nation.

our country. Moreover, as shall be seen below where the AMIA case is concerned, one of the most noteworthy issues was the lack of any investigation into the local connection.

We have always maintained that an appropriate judicial investigation could have avoided the second and terrible attack that shook our country almost two years later, that on the AMIA, which had many similar features that reveal the existence of the same *modus operandi*.

2. SECOND ATTACK: AMIA

On July 18, 1994, a powerful explosion took place in the headquarters of the Asociación Mutual Israelita Argentina (AMIA — Argentine Jewish Community Association) on calle Pasteur 633 in which 85 people lost their lives.

Death seized the leading Jewish organization in Argentina with 85 fatalities and over 300 people injured. A building containing the history of the Argentine Jewish community was destroyed leaving an open wound that is as yet unhealed.

The mastermind of this attack was Mohsen Rabbani, part of the same Iranian group responsible for carrying out the attack on the Embassy.

Twenty years have passed since this attack. As we all know, a complex legal web involving officials from all branches of the State is the reason why the truth has yet to be uncovered and justice has not been done.

The investigation began with a criminal case involving the Federal Criminal and Correctional Court presided over by Judge Juan José Galeano. The case was divided into an investigation into the “local connection” and another which investigated the “international connection.”

On September 24, 2001, Oral Proceedings began with respect to the “local connection” part, but in the final stage of the proceedings the judges of the Oral Court decided that the criminal charges filed against the police in connection with the attack was the result of the theory developed by Judge Galeano in which he had received the cooperation from a number of officials. The result was the nullity of a large part of the proceedings and the acquittal of the accused. In this case, impunity prevailed.

The judgment stated that Judge Galeano had departed from a search for the truth and engaged in behavior running counter to legislation by collaborating with various bodies in the three Branches of the State in order to secure not only political support but also to directly conceal the irregular and illegal actions of the judge.

In August 2005, Federal Judge Juan José Galeano was removed by the procedural jury of the Judicial Counsel by virtue of the crimes committed by him within the context of the investigation into the AMIA case.

At that time and since 2003 the investigation into the attack has been in the hands of Federal Judge Rodolfo Canicoba Corral.

It was in that same year that Presidents Néstor Kirchner and George W. Bush joined in accusing and charging Iran as a matter of State policy, all of which was formulated by intelligence agent Jaime Stiuso (Horacio Antonio Stiuso), who had and still has links with Mossad, the CIA and German intelligence, which together assisted in establishing the Iranian connection.

It was at that point that Néstor Kirchner decided to appoint a prosecutor from the Jewish community to lead the investigation.

In addition, President Néstor Kirchner signed Decree No. 812/2005 which acknowledged the responsibility of the National State, stating that *“it is incumbent on it owing to the breaches against which complaints have been filed, given that there was dereliction of the duty of prevention in it having failed to adopt appropriate and effective measures to prevent the attack — bearing in mind that a terrorist attack had been made against the Israeli Embassy two years earlier — and in view of the fact that there was concealment of the facts involving grave and deliberate dereliction of duty of adequate investigation of the crime, which produced a clear miscarriage of justice as set forth in the judgment issued on October 29, 2004, by Federal Oral Criminal Court No. 3.”*

Via this Decree, approval was given to the Act dated March 4, 2005, signed in Washington DC in a hearing held before THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS in

which the Argentine State acknowledged its responsibility, all in the context of the petition filed before the IACHR by the nongovernmental organizations MEMORIA ACTIVA, CENTRO DE ESTUDIOS LEGALES Y SOCIALES [Center for Legal and Social Studies — CLSS] and CENTER FOR JUSTICE AND INTERNATIONAL LAW (CEJIL), in which a complaint was filed before that international body in connection with the attack on the headquarters of the AMIA relating to the violation perpetrated by the Argentine State of the right to life, to judicial guarantees, and to effective judicial protection, as well as the duty to provide a constitutional guarantee.

In addition, the Argentine Government began discussing the Iranian connection and to file formal complaints against Iran before international bodies, thereby removing the focus from the so-called “local connection.” To reiterate, this was part and parcel of a State policy promoted by the former President.

By way of example, we may read the Minority Opinion on Case file no. 296-PE-2012, enclosed in **Appendix No. II**, which shows that despite the fact that neither Néstor nor Cristina Kirchner had supported the Iranian connection prior to assuming the presidency, and that Cristina Kirchner had promoted investigation into the “Syrian connection” in her capacity as member of the Bicameral Commission responsible for investigating the 1996 attacks, no sooner did [Néstor] Kirchner assume the presidency in 2003 then he adopted a policy of investigating international instead of local responsibility.

From that point the Argentine State added the AMIA question to the strategic international policy of the Bush and Sharon governments against what was known as the “Axis of Evil,” through which the cooperation of the United States and its allies was secured in order for INTERPOL to approve international arrest warrants against five Iranians holding various political and military positions in that regime.

Accordingly, in an opinion submitted in 2006, Prosecutor Alberto Nisman attributed the attack to Hezbollah terrorists operating with Iranian backing. He also cited a motive: the suspension of nuclear technological assistance being provided to Iran by Argentina in 1991.

The theory propounded by the special Prosecutor’s Office for which Nisman was responsible was that the local terrorist link was the former cultural attaché of the Iranian Embassy, Mohsen Rabbani who had already been indicted by Galeano and whose arrest was again sought.

“It was a decision taken at the highest levels of government of the Islamic Republic of Iran and entrusted to the Lebanese group Hezbollah,” Nisman stated in a press conference in October 2006. So it was that Prosecutor Alberto Nisman accused the Iranian government of 1994 for the attack on the AMIA. In addition, he asked Judge Rodolfo Canicoba Corral to order the arrest of six former senior officials of that country, led by former president Ali Rafsanjani and the leader of the Lebanese Hezbollah group.

As reported by newspapers of the period, the US congratulated the Argentine government for its support in the legal investigation into the attack against the AMIA, stating that there was sufficient evidence to claim Iran had planned and financed the attack.

The US government also asked the international community to express its public support for this investigation and Argentina's continued efforts to identify those responsible for this attack and bring them to justice.

However, when in 2013 President Cristina Fernández de Kirchner changed the policy of the State by signing the Memorandum, thereby shifting away from the “Iranian connection,” Prosecutor Nisman became a “dead man walking” in the hands of the intelligence war. Hence what I refer to as the THIRD ATTACK.

3. THIRD ATTACK: ASSASSINATION OF PROSECUTOR NISMAN

I therefore believe that it is possible that the third attack could have been prepared as much as a year and a half ago, because once the memorandum had been arranged, the second alternative to remove Iran from the case was to eliminate the prosecutor leading the investigation against Iran.

The truth is that all intelligence organizations “trade.” Jorge Stiuso “trades,” and the individual who finally became isolated was Prosecutor Nisman,

by adhering to a course that was no longer supported as a State policy by the Government.

The complaint being prepared by the prosecutor contains part of the information that he was able to gather, having returned to Europe (where he was protected) in order to “negotiate” to avoid being stripped of the case.

When he was summonsed to attend the Congress, he was obliged to submit information. This, I understand, was contained in the briefcase that has disappeared, together with the rest of the information that was in his possession.

In this respect, it is important to understand why Cristina Fernández de Kirchner changed the State policy previously established by Néstor Kirchner: because she changed the nuclear aid policy.

As I will explain below, since 2012 Argentina has been providing technological and human resource assistance to the Arak heavy water plant that has gone UNREPORTED to the IAEA (International Atomic Energy Agency), which must be known by all intelligence agencies.

Argentina had thereby violated the Nuclear Nonproliferation Treaty (NPT) in what was necessarily a “clandestine” manner.

There were companies in which the Argentine State was a shareholder and others in which Venezuela may also have been a partner, as stated by the enclosed Report prepared by Douglas Farah.

Matters could be more serious still should bank accounts exist, which although Cristina Fernández de Kirchner may state are not in her name, could nonetheless be in the name of persons close to her. However, I am not aware that this is the case.

Failure to accept that the death of Prosecutor Nisman was an attack, the third attack, is to be ignorant of Iranian intelligence and the local connection via General Milani and Aníbal Fernández to exonerate the Federal Police and “trash” and redirect the case. All this information is contained in Appendix No. III.

III. The Iranian nuclear conflict. Possible cooperation between Argentina and Iran and the involvement of Venezuela.

In 2002, as a result of claims made by an exiled Iranian opposition group, evidence emerged of the existence of two hitherto unknown Iranian nuclear sites: the subterranean uranium enrichment facilities at Natanz and the heavy water reactor facility at Arak. It

was suspected that both plants could produce nuclear fuel (uranium and plutonium) once they became operational.²

According to the security agreement between Iran and the International Atomic Energy Agency (IAEA) then still in effect, it was stated “*Iran is not obliged to permit IAEA inspections of a new nuclear facility until six months after the nuclear material has been incorporated into the latter.*” However, Iran permitted inspections of the facilities by the IAEA and it was concluded that the facilities had no connection whatsoever with any secret nuclear arms program.

Subsequently, on November 14, 2004, the Iranian Hasán Rouhani announced a voluntary temporary suspension of the Iranian uranium enrichment program following pressure from the United Kingdom, France and Germany, who acted on behalf of the European Union.

However, in August 2005 the Iranian government under President Ahmadinejad resumed uranium conversion activities at the Esfahan facility. This motivated the European Union to pressure the IAEA to bring the issue of Iran’s nuclear program before the United Nations Security Council.

Finally in 2006, the IAEA’s governing body sent the Iranian case to the Security Council, which resulted in sanctions being handed down by the Council for failure to stop the uranium enrichment process.

² “The five key points for understanding the nuclear crisis with Iran” published on www.20minutos.es on [illegible].

So it was that during Mahmoud Ahmadinejad's government the Iranian nuclear program became the focus of an international diplomatic crisis owing to the resumption of uranium enrichment. This crisis ranged the US government led by President George Bush on one side and the Iranian president on the other, the latter managing to transform the issue of nuclear energy into a matter of national importance.

According to various media outlets, the crisis unleashed under the presidency of Mahmoud Ahmadinejad may have had the participation and cooperation of the Argentine government.³

As is apparent from Report Request File 1039-D-2015 enclosed in **Appendix IV**, in 2007 the Iranian government made a donation to Cristina Fernández de Kirchner's national presidential campaign. Presumably this reflects the nexus between the nuclear development of that Middle Eastern power and Argentine policy.

As stated by Brazilian magazine *Veja*, the donation in question would be "*in return for nuclear deals and impunity in connection with the attack on the AMIA.*" This media outlet obtained statements from three former senior officials in the Venezuelan government who stated that the negotiator and intermediary had been Hugo Chávez.

According to this version of events, the then Iranian president asked Chávez to intercede with Argentina to obtain the nuclear technology necessary for implementing the Iranian plan. "*I cannot say whether the Argentine*

³ "The impressive report linking Argentina, Iran and Venezuela with the death of Nisman" of March 18, 2015, published in www.lapoliticaonline.com.ar / <http://www.lapoliticaonline.com/nota/87763/>

State passed on nuclear secrets, but I do know that it received a great deal through legal (debt instruments) and illegal means (suitcases of money) in exchange for something of great value to the Iranians,” stated one of the former officials.

A similar claim is made by security and terrorism expert Douglas Farah in his presentation before the Foreign Affairs Subcommittee for the Western Hemisphere of the United States Senate. On that occasion, Farah stated that: *“Venezuela was a key player in Iran’s efforts to reestablish nuclear ties with Argentina, and that relationship was of primary interest for the Iranians.”* In addition, he stated that: *“Venezuela and Argentina have developed a complex and opaque mechanism for transferring millions of dollars in funds between the two countries without supervision or accounting.”*

This information can be consulted in the enclosed **Appendix IV** containing the aforementioned report by Douglas Farah.

The theory of “clandestine” cooperation in the area of nuclear energy between Argentina and Iran is perfectly plausible, since our country has advanced relevant technology in that field. Argentina is a major producer and exporter of heavy water and is therefore able to cooperate both with technology and expertise.

It should be stated that the State-owned Empresa Neuquina de Servicios de Ingeniería (Neuquén Engineering Services Company — ENSI) was created on December 21, 1989, under the auspices of the Comisión Nacional de Energía Atómica (National Atomic Energy Commission — CNEA) in the province of

Neuquén. This company operates **the world's largest Heavy Water Industrial Plant (HWIP) for the production of heavy water, an essential ingredient to moderate and cool the operation of nuclear reactors.** It has a production capacity of 200 tons per year and produces reactor-grade heavy water of the highest level of purity.

The existence of these domestic companies dedicated to the research and production of nuclear energy and the Iranian government's desire to develop its nuclear plan in the midst of the diplomatic crisis explains the interest of former President Ahmadinejad to fund the campaign of Cristina Fernández de Kirchner and the subsequent signing of the aforementioned memorandum of understanding between both countries in connection with the attack on the AMIA.

The same report alludes to the intermediary role played by former Venezuelan president Hugo Chávez, stating that Argentina and Venezuela shared missile technology, while CAVIM (Compañía Anónima Venezolana de Industrias Militares — Venezuelan Military Industrial Anonymous Company) manufactured pilotless drones in collaboration with Iran, making it perfectly reasonable to suspect that, as stated by a source familiar with that program, “... *Argentina gives technology to Venezuela and Venezuela passes it to Iran.*”

IV. Shell companies. Connections with intelligence agencies and the death of Prosecutor Nisman.

Investigating the company responsible for the security of the Le Parc building in Puerto Madero, SEGURIDAD INTEGRAL EMPRESARIA S.A., my attention was drawn to the fact that accountant Julio Cesar Jiménez (Vol. 79 Fo. 71 C.P.C.E. CABA) appears as an authorized party and signatory to publications in the Official Gazette relating to various companies that may be connected with intelligence organizations or agents.

It is suspected that Argentine intelligence has utilized shell companies to carry out irregular or hidden activities for at least three decades. These companies are registered with the Inspección General de Justicia [Inspectorate General of Justice] like any other trading company governed under the regulations set forth in Law 19.550.

As has been seen in specific cases, these companies are set up utilizing mechanisms in which their shareholders are intelligence agents with money that can often be traced to funds reserved for various State intelligence bodies.

Seguridad Integral Empresaria S.A. has all the hallmarks of a “shell company” that could have links with the national government. In extending the complaint filed in connection with case No. 1020/2015 dated 02/27/2015, details are provided of the corporate structure of that trading company in order to reveal its political connections (see **Appendix III**).

The technical director of the company is Commander Rafael Ceferino Serra, Commanding Officer of the Fleet Helicopter Squadron. His father was Rafael Joaquín Serra Randle, an associate of Emilio Eduardo Masera.

These details of the corporate life of “Seguridad Integral Empresaria S.A.” allow us to draw the conclusion that the security company of the Le Parc building has links with the military sector dating back to the military dictatorship of 1976.

This means that, as I have stated, the legal authorities should investigate the suspicious irregularities that could have created a “clear zone” in order to allow a violation of the security of the building in which Alberto Nisman was found dead hours before reporting before the National Congress on the complaint he had submitted in connection with concealment of the AMIA case.

In addition, it should be underscored that the authorized accountant of Seguridad Integral Empresaria S.A., Julio César Jiménez, is also authorized by the firm of Cofeme SA.⁴ One of the partners and the Chairman of Cofeme was Néstor Vázquez, former Managing Director of the Superintendence of Health during the tenure of Héctor Capaccioli, the campaign fundraiser for the Frente para la Victoria [Victory Front] in 2007,⁵ both of whom were implicated in the case known as the “medication mafia.”

We also noted the following suspicious links, to wit:

- **With respect to companies linked to former intelligence agent Jaime Stiuso and officials of the national government.**

⁴ According to the Official Gazette for July 6, 2009, it was constituted between Néstor Ricardo Vázquez, Aldo Ruben Pignanelli, Jorge Gustavo Riva and Enrique Alfredo Dratman.

⁵ “REPORT ON AN INVESTIGATION INTO DRUG TRAFFICKING AND ORGANIZED CRIME: GOVERNMENT, POLITICAL AND COMMERCIAL LINKS” coordinated by the undersigned and various leaders of the Coalición Cívica [Civic Coalition] party in December 2009. Available on http://www.perfil.com/docs/INFORME_DE_INVESTIGACION_COMPLETO.pdf

On the basis of several investigations, we can infer the existence of a number of companies linked to our country's intelligence services, as well as to drug trafficking and to senior figures in the current national government.

- In first place we find the firm American Tape, whose founding partners are Horacio Germán García, Antonio Horacio Stiuso (former agents of the Secretaría de Inteligencia de la Nación [National Intelligence Secretariat]), Ricardo Kleinberg and Juan Carlos Ioanu; the legal representative is Mr. Carlos M. Paulero.

With respect to Seguridad Integral Empresaria S.A., according to the Official Gazette, it was created on September 9, 1982, and its shareholders partners are Juan Gabriel Antonio Garatea and Mario Jorge Caserta, who were convicted of drug trafficking during the presidency of Carlos Menem. In 2003 its chairman was Martín Enrique Toro. However, in that same year the accountant Jiménez began to intervene as an authorized party, the sons of accountant Jiménez having subsequently intervened. As of 2012 the company stock increased to 500 thousand pesos.

The technical director of the company is Commander Rafael Ceferino Serra, Commanding Officer of the Fleet Helicopter Squadron. His father was Rafael Joaquín Serra Randle, an associate of Emilio Eduardo Masera.

- **With respect to other companies in which accountant Julio Cesar Jiménez intervened and those in which Mr. Guillermo Alberto Elazar is a member.**

As can be seen from an examination of the Official Gazette, Mr. Guillermo Alberto Elazar is a shareholder of the “BARRA NORTE SA,” “MERCADO FUTBOL SA,” “BARRA MERCADO SA,” “ARCO Y CARA SA,” “PALERMO FUTBOL SA,” and “DORMII SA,” firms in which, with the exception of DORMII, the accountant **Julio Cesar Jiménez** also appears. This detail is of particular interest since Mr. Elazar is the partner of Dr. Sandra Arroyo Salgado, former wife of Prosecutor Alberto Nisman whom we may suspect has contacts with persons connected with intelligence organizations.

It would be interesting to know whether Mr. Elazar was aware that prior to his return to this country from Spain last January 12, Nisman left his daughter to herself for several hours in the Barajas airport, which was mentioned by the Nation’s President Cristina Fernández de Kirchner in the letter she published on social networks last January 19. It would be interesting to know whether he discussed this matter with other persons. Whether he knew accountant Julio César Jiménez. Whether he knows any member of the board, any shareholder or legal representative of “SEGURIDAD INTEGRAL EMPRESARIA.” Whether he has any type of relationship with “DORMII SA.” Whether he knows Mr. Pablo Eugenio Batalla, a former official of the City of Buenos Aires and a well-known military radical. Whether Mr. Batalla ever mentioned knowing Mr. Fernando Pocino, Operations Director of the National Intelligence Secretariat. Whether the latter knows Mr. Fernando Pocino. Whether he knows Mr. Daniel Bravo, former Sports Minister in the City Government and Deputy for the Autonomous City of Buenos Aires. Whether Mr. Bravo ever mentioned knowing Mr. Fernando Pocino, Operations Director of the National Intelligence Secretariat. Information

obtained by the undersigned prompted these questions on which I believe light should be shed.

As is well known, it was Mr. Elazar who sent Arroyo Salgado the photograph from the *Noticias* magazine showing Prosecutor Nisman with a hole in his forehead simulating a bullet wound in the days prior to his death, which prompted Mrs. Arroyo Salgado to report this to Federal Criminal and Correctional Court No. 9 as evidence of threats made against Nisman or his family.

The witness statement of Mr. Guillermo Alberto Elazar in case 5133/2012 of the Federal Criminal and Correctional Court No. 9 of March 5, 2015, and enclosed as **Appendix III**, raises suspicions to the extent that it fails to allay any of the doubts that any individual investigating the facts may have formulated.

- **VENG SA is another company in which accountant Julio Cesar Jiménez is involved.**

VENG SA is a trading company created in 1998 by the Comisión Nacional de Actividades Espaciales (National Commission of Space Activities — CONAE) and Invap SE whose corporate purpose is any work, task and service relating to research and technological development of aerospace transportation craft. As is the case with American Tape, Mr. Carlos M. Paulero also appears as legal representative of this company, with Mr. Juan Matías Jiménez appearing as authorized party in 2005 and the accountant Julio César Jiménez appearing as such from 2008 in the issues of the Official Gazette for 2009, 2011, 2013 and 2014.

VENG SA is one of the companies suspected of exchanging technology and/or human resources between Argentina, Venezuela and Iran.

- **Regarding the clear zone in the Le Parc Building in Puerto Madero over the weekend during which the violent death of Prosecutor Nisman occurred.**

As reported in the brief which resulted in case 2053/2015 currently being heard before National Criminal and Correctional Court No. 5 (enclosed in **Appendix III** together with the corresponding Prosecutorial injunction) there was a reduction and slackening of the security arrangements for Prosecutor Nisman and an easing of the vigilance that should have been carried out by security personnel of Seguridad Integral Empresaria.

In it I stated, based on information provided by the National Executive Branch,⁶ that the security guards adopted an unusually passive posture after Nisman failed to respond to telephone calls or the electronic doorbell, refraining not only from entering the property but from contacting the Public Prosecutor's Office to request legal authorization to enter, and instead contacting his mother in the Núñez neighborhood, and not opening the door until after 10:40 p.m. following much back and forth.⁷ As

⁶ "Death of Prosecutor Nisman," published on the official website of the National Ministry of Security on January 19, 2015. Available at <http://www.minseg.gob.ar/deceso-del-fiscal-nisman>

⁷ "The uncertainties surrounding the agent in Puerto Madero," article by the journalist Daniel Gallo published in *La Nación* on January 21, 2015. Available on <http://www.lanacion.com.ar/1761782-las-incognitas-del-operativo-en-puerto-madero>

reported by the National Executive Branch, they did not even notify their own immediate superiors.⁸

All of this is highly suspicious when seen in the context of the clear threat to the life of Alberto Nisman.

As if these irregularities were not enough, the most threatened prosecutor in the country spent the whole of Saturday and Sunday morning alone and unprotected, and in response to his failure to respond the security guards merely phoned him, tried to locate his secretary and his mother, and rang the doorbell.

Greeted with silence and the Prosecutor's failure to respond, they did nothing to ward off any imminent risk to which Nisman could have been exposed inside his apartment, and instead waited hours to contact his mother, Sara Garfunkel, and embarked on a wild goose chase: they searched for her at her home, went from there to Le Parc since they could not enter the security code to access the elevator, returned to Garfunkel's home to pick up the diary where she had written the code down, and then returned to Le Parc where they attempted to open the door to Nisman's apartment, but found it to be bolted, requiring them to call a locksmith who finally opened it.⁹ A totally extraordinary and irrational train of events bearing in mind the

⁸ Minister of Security Berni stated as follows an interview: "(...) the criticism I make of the actions of the security guards is once they suspected that something was going on they contacted [Nisman's] secretary, I don't know who made that decision ... and went searching for his mother; they should have sent the information up the chain of security command (...) and security failed to do this (...)." Available on [https://www.youtube.com/watch?\[illegible\]](https://www.youtube.com/watch?[illegible])

⁹ "Death of Nisman: the missing half hour in this episode," published on the InfoJus Noticias website on February 11, 2015: <http://www.infojusnoticias.gov.ar/nacionales/muerte-de-nisman-la-media-hora-ques-un-agujero-negro-en-la-causa-7424.html>

dangerous circumstances in which Nisman was living.

What they should have done in accordance with the regulations governing their actions is to have forced their way into the property pursuant to the provisions set forth in art. 227 of the C.P.P.N.,¹⁰ or immediately notify a Prosecutor so that the examining magistrate having jurisdiction over the area could issue a warrant to enter the home under the terms set forth in Chapter II of Section III of Book II of the National Code of Criminal Procedure, to thereby prevent any attack being perpetrated on Nisman. At the very least they could have informed their superiors of what was occurring. Any of these actions may perhaps have saved Nisman's life. But what is beyond question is that the guards left Prosecutor Nisman totally unprotected, both before and after his death.

The security guards of those employed by the Public Prosecutor's Office, as Nisman's guards were, are responsible to the Security and Safeguard Division of the National Public Prosecutor's and Defender's Office. This division is in turn under the responsibility of Commissioner Eduardo Soto and Sub-Commissioner Guillermo Fariña, which is directly answerable to the Security Department, and which in turn is responsible to Commissioner Inspector Ronaldo Fabián Abraham Jonte. Here is a possible explanation for why this "extremely unusual" procedure occurred.

Commissioner Inspector Abraham Jonte is a member of the 80th graduating class of the "Ramón Falcón" Cadet School, following which he took up the position

¹⁰ Bearing in mind that this related to a security assignment, it was not necessary for voices to be heard in order to appreciate the existence of imminent danger. It was enough for there to be objective and obvious signs to reach that conclusion. As it was, both Nisman and the property in which he lived were being protected by the police.

of Assistant with the Policía Federal Argentina [Argentine Federal Police — PFA] in 1980. After several years, in 2014 he was appointed Commissioner Inspector, taking the position of Head of the Security Department of the PFA. Among his duties was responsibility for all of the security divisions, including those of the Public Prosecutor's Office. This is the supreme authority where security arrangements are concerned, being answerable to Commissioner General Roque Carlos Luna, head of the Superintendence of Internal Affairs and Complex Federal Crimes, the latter being answerable to the Chief of the Federal Police, Román Argentino Di Santo. In addition, Abraham Jonte is currently an incumbent member of the Police Supervisory Commission.

Commissioner Inspector Abraham Jonte has close links with intelligence organizations. His brother Marcelo R. Abraham Jonte belonged to the civil intelligence division of the sinister 601 Battalion of the Army between 1976 and 1983, the intelligence organization *par excellence* of the last military dictatorship, and on this basis Ronaldo Fabián had established close links with intelligence.

In this context, Marcelo Abraham Jonte visited the Dirección Nacional de Inteligencia del Ejército [Army National Intelligence Directorate] a few days before Prosecutor Nisman's death in order to meet with Lieutenant General César Milani. In other words, days before the death of Nisman the brother of the officer in charge of the security guards had a meeting with César Milani not unconnected with the events that took place during the weekend in which Nisman died while under guard and in which Ronaldo Fabián Abraham Jonte was involved.

In addition, Ronaldo Fabián Abraham Jonte has other ties with the national government, evidence for which is provided by his daughter Yasmin Selene who works

for the Organismo Regulador del Sistema Nacional de Aeropuertos [Regulating Body of the National Airport System], which is controlled by the La Cámpora organization.

Consequently, there is a powerful link between senior security figures in the Federal Police, the intelligence organizations and the National Government, all of which gives greater credence to the theory that an order was passed to reduce Nisman's security during all of Saturday and Sunday morning, and to delay the entry of the security guards into his apartment on Sunday afternoon and evening.

There was also the decisive involvement in this operation of the current Head of the Cabinet of Ministers of the Nation, Aníbal Domingo Fernández, who wields considerable influence and authority in the sphere of the Argentine Federal Police and the Police of the Province of Buenos Aires, and particularly in the intelligence field. Together with Milani, Fernández orchestrated the withdrawal of Nisman's guards. In addition, Aníbal Fernández's participation in the operation was such that it was he who was sent after the journalist Damián Pachter.

In effect, as published in the media¹¹ and as explained by Pachter himself,¹² having published news of the death of Nisman on Twitter, Pachter became the victim of persecution by the intelligence authorities and the Buenos Aires police. Indeed, on meeting his

¹¹ "The journalist who got the scoop has arrived in Israel and has told his story," published in *Clarín* on January 26, 2015. Available at http://www.clarin.com/politics/Alberto_Nisman-Damian_Pachter-periodista-llego-Israel-odisea_0_1292270778.html

¹² "Why I escaped from Argentina," article by Mr. Damián Pachter published in *La Nación* on January 26, 2015. Available at <http://www.lanacion.com.ar/1763179-por-que-escape-de-la-argentina>

friend Ricardo “Tachuela” Rivas¹³ in the city of Mar del Plata, both noticed that a Buenos Aires police intelligence agent was present at the time. All of this prompted Damián Pachter to flee the country, although this did not bring an end to the persecution, evidence of which is the fact that the National Executive Branch itself officially published Pachter’s flight ticket.¹⁴ In addition, Pachter informally told journalists from *Clarín* that his telephone was being “bugged” or tapped.¹⁵

This is the only plausible explanation that can be found in light of such irregular behavior on the part of the security guards. Either there was an order to ease security and delay entry, or they complied by informing their superiors and the latter decided to hide what was happening, the information being lost at some point along the chain of command and without those measures that should have been followed in line with the regulations being taken.

To summarize, the appropriate action on the part of the division responsible for security would have been to enter the property immediately, or at the very least to notify the duty prosecutor and judge who would have authorized access within the space of an hour. None of this occurred, and I fail to find any explanation beyond that of a clear zone created in order to carry out the homicide of Alberto Nisman, followed by a delay in entering the

¹³ With powerful connections with the intelligence services.

¹⁴ “The Government exposes the journalist Damián Pachter with the publication of his Aerolíneas [Argentinas] ticket,” published on January 25, 2015, in *Clarín*. Available at: http://www.clarin.com/politics/Gobierno-Damian-Pachter-publicacion-Aerolineas_0_1291670827.html

¹⁵ *Idem*.

property to conceal the crime. The suspicion is greatly strengthened in light of the role of Ronaldo Fabián Abraham Jonte, his links with intelligence and the government, and the meeting that his brother Marcelo had with military intelligence a few days before the incident.

Note should also be made of the evidence demonstrating that after these events, and in view of the public interest in the case, the security guards were detained for 48 hours by direct order from their superiors in order to prevent them having any contact with the press. In light of all of the information contained herein, this allows one to infer that what they really wished to do was to construct a consistent story and avoid the security guards reporting what really happened: that they were ordered to withdraw from guarding Nisman on Saturday and Sunday morning, and that their chiefs were aware that Nisman had not responded on Sunday evening while delaying entry to the apartment as long as possible.

V. Links to the case with Iranian intelligence in Uruguay

a) The presence of Iranian intelligence in Uruguay.

As was revealed in the case into the attack on the AMIA, part of the attack was planned in Uruguay. There were close links between Iranian intelligence located in Uruguay and the attack on the AMIA, and everything suggests that it also had a role in the death of Prosecutor Nisman. Indeed, the prosecutor had on various occasions requested the cooperation of judges in Uruguay because his theory was that the terrorist act was

planned in Montevideo. As reported by a Uruguayan news outlet,¹⁶ Nisman requested the cooperation of a judge specializing in Organized Crime in connection with a house located on calle Rivera.

This refers to the house located on avenida Rivera 2317 which was purchased by the Iranian Embassy in 2006 and in which the former cultural attaché at the Iranian Embassy in Buenos Aires, Mohsen Rabbani, lived in 1994 (months before the attack on the AMIA), whom Nisman accused of being one of those behind the attack.

According to the same outlet, a report by Nisman claims “the Iranian presence in Uruguay, Chile and Colombia was centered around the figure of Mohsen Rabbani, all of which is logical given his high position in the region.

Indeed, it was the latter and his acolytes who were responsible for organizing, developing, supporting and inculcating the radical principles of the Iranian Islamic Revolution in the Shiite communities of those countries.”

As the article goes on to say, “One of the ambassadors of the Iranian regime in Uruguay was Reza Hajd Zargabashi who had been ambassador in Venezuela in 1993, thereby being the senior figure responsible for those Iranian officials accredited to that country and subsequently expelled from it when they attempted to detain an Iranian citizen persecuted by the regime at gunpoint in July 1994, with the intention of

¹⁶ “Nisman and the Uruguayan connection,” published in *El Observador* on 2/15/15, http://www.elobservador.com.uy/noticia/297630/nisman-y-la-pista-uruguaya/_19

sending him to Iran by force. Another Iranian official who provided services to the Embassy in Uruguay was Ali Amini, who was involved in the storming of the United States Embassy in Tehran in 1980 and who served as spokesman of the revolutionary group during the 444 days that it held 55 people hostage.

It should be stated that Mohsen Rabbani is currently leading the rapprochement with Latin America and retains an active network. Among his functions is that of meeting with Latin American delegations such as that of the Officialist politician Luis D'Elia. In addition, the US legal authorities have revealed his involvement in the 2007 plot at John F. Kennedy Airport in New York, at which point it was disclosed that Rabbani had been running operatives in the Western Hemisphere. Finally, Rabbani has publicly acknowledged his friendship with the late former president of Venezuela Hugo Chávez and the assistance received from him.

Prosecutor Nisman had earlier claimed that Mohammad Mehdi Pourmohammadi, accredited as Iranian ambassador to Uruguay on August 11, 1987, “had a background as an arms dealer as well as involvement in illegal activities.”

He also claimed “The next ambassador to Uruguay, Mohammad Ali Sarmadi-Rad, was identified as an intelligence official.”

He also warned that the secretary of the former, Ahmad Abousaedi, “was cited by a witness as belonging to the Corps of 20 Guardians of the Revolution, entrusted with local planning for each future attack.” “It is telling that this person

should have entered the Republic of Argentina on June 18, 1994, exactly one month prior to the attack on the AMIA,” he claimed.

Consequently, this Iranian intelligence presence in Uruguay goes back many years and continues to the present time. It is in this context that we should understand the incident involving Ahmed Sabatgold, political attaché to the Iranian Embassy in Uruguay. In November 2014, a suitcase was found near the former site of the Israeli Embassy that on examination turned out to be empty.¹⁷ On December 10, the Ministry of Foreign Affairs, having identified a vehicle bearing a diplomatic license plate, informed the Iranian Embassy that this behavior was unacceptable. The filming of the Iranian vehicle was carried out by Mossad and was submitted to the Foreign Ministry by the Israeli Embassy.

However, the Foreign Ministry did not report that the individual in the car was the self-confessed anti-Semite Ahmed, who quit Uruguay three days before the Uruguayan government issued its complaint to the Iranian Embassy on December 7, 2014.

Accordingly, I regard it as a matter of extreme importance that it be investigated whether the continued presence of Iranian intelligence in Uruguay has any connection with the death of Prosecutor Nisman, bearing in mind the death threats issued against him by those Iranians implicated by the prosecutor himself.¹⁸

¹⁷ “History of Ahmed, the unkempt Iranian who left before they kicked him out,” published in *El Observador* on 2/7/15, <http://www.elobservador.com.uy/noticia/297633/historia-de-ahmed-el-desprolijo-irani-que-se-fue-antes-de-que-lo-echaran/>

¹⁸ Information has been obtained providing evidence of bomb threats against the Israeli Embassy in Uruguay and the mysterious exit from the country of an Iranian diplomat who was filmed close to one of the incidents, thereby raising suspicions of Iranian terrorist activities in Latin America. See: “Iranian threat to Uruguay?” by journalist Andrés Oppenheimer published on February 11, 2015, in *El Nuevo Herald*. Available at <http://www.elnuevoherald.com/opinion-es/opin-col-blogs/andres-oppenheimer-es/article9755330.html>

b) Meeting at the headquarters of the Ministry of Foreign Affairs between Foreign Minister Héctor Timerman, Intelligence Secretary Oscar Parrilli, and the Argentine ambassador to Uruguay, Dante Dovená on February 18.

In connection with this, reference should also be made to the unusual meeting held at the headquarters of the Ministry of Foreign Affairs in Buenos Aires between Foreign Minister Timerman, Intelligence Secretary Oscar Parrilli, and the Argentine Ambassador to Uruguay, Dante Dovená, at 8:30 p.m. on February 18 this year. Indeed, as stated in the letter I enclose with the present proceedings, I asked Héctor Timerman to inform me as to the content of the meeting. In replying, the Foreign Minister only confirmed that the meeting had taken place, restricting himself to stating that the meeting involved “*analysis of various topics on the government’s agenda*” (see **Appendix V**).

It is not therefore unreasonable to ask what Héctor Timerman, Oscar Parrilli and Dante Dovená were doing on February 18? Is the topic cited by the Foreign Minister as having been discussed at that meeting between the Argentine Foreign Minister, the Argentine Ambassador to Uruguay and the Intelligence Secretary on February 18 not utterly implausible? It is not suspicious that such an urgent meeting should be called in the Ministry at that late hour and, most unusually, in the presence of the National Intelligence Secretary?

Moreover, additional facts confirm my hypothesis. **According to information that I attempted to verify by various means, there were meetings between Syrian and/or Iranian diplomats who traveled utilizing the Buquebus line on the Buenos Aires–Montevideo route on the days following the death of Prosecutor Nisman, it being possible that these were intelligence agents of those countries. The situation is the more striking in view of the strange invitation and subsequent meeting at 8:30 p.m. on February 18 of the present year at the headquarters of the Ministry of Foreign Affairs and Worship between Mr. Héctor Marcos Timerman, the Argentine Ambassador to Uruguay Dante Dovená, and the Nation’s Intelligence Secretary Oscar Parilli.**

In my view, it is also essential that these circumstances be investigated as part of the present case.

VI. In view of the foregoing, and without prejudice to those measures that the Prosecutor and Your Honor deem appropriate to take in this respect, I hereby take the liberty of suggesting that the following procedures be adopted in order to verify the events that have occurred and address these suspicions I have brought to your attention in an endeavor to establish the truth of what took place, as follows:

1. That a communication be sent to the Inspectorate General of Justice requesting that it send certified copies of the files relating to the Trading Companies mentioned in the present brief.
2. That a communication be sent to the Dirección Nacional de Migraciones [National Immigration Directorate] in order to establish whether any individuals

of Iranian nationality entered or exited the country from Uruguay with or without a diplomatic passport between February 16 and 21, and particularly entries and exits on February 18.

3. That the Internal Affairs Department of the Argentine Federal Police be requested to submit summary information and/or administrative summaries on those agents responsible for protecting Nisman. That it also submit all of the administrative acts relating to the availability of the objectives, schedules and functions.
4. That the AFIP [Administración Federal de Ingresos Públicos — Federal Public Revenue Administration] be requested to submit all documentation in its possession relating to the companies listed in these presents.
5. That the Joint Chiefs of Staff of the Argentine Navy be requested to submit the file on Ceferino Rafael Serra, whose personal details are provided in these presents.
6. That the Dirección General de Seguridad Privada [Directorate General of Private Security] of the Government of the City of Buenos Aires be requested to submit the file on the activities of the “Seguridad Integral Empresaria” company.
7. That a communication be sent to Buquebus requesting that it submit a passenger list for all journeys made on the Buenos Aires–Uruguay and Uruguay–Buenos Aires routes between January 16 and 21, 2015.
8. That Mr. Ricardo “Tachuela” Rivas be summonsed to provide a witness statement.
9. That a request be submitted for listings of incoming and outgoing calls from 1/16/15 to 1/21/15 inclusive on all personal and official, cell and landline phones of César Santos Gerardo del Corazón de Jesús Milani, Sergio Berni, Aníbal Fernández, Roque Carlos Luna,

Ronaldo Fabián Abraham Jonte, Eduardo Solo, Guillermo Fariña, and of all of the security guards assigned to protect Prosecutor Alberto Nisman, together with those police personnel who intervened in the prevention of the same, and of Ceferino Serra and Juan Pablo Toro. All cellphone companies must report which antennae were utilized in each telephone communication.

10. That the Movistar, Claro, Personal and Nextel companies be requested to submit a listing of the entirety of the calls made utilizing the antenna(e) covering the area of the Torres Le Parc complex between 1/17/15 and 1/20/15 inclusive.
11. That a search warrant be issued for the “Seguridad Integral Empresaria” company and steps be taken to impound all of the books recording entries and exits to and from the Torres Le Parc complex together with footage from all of the security cameras from the complex corresponding to January 17, 18, 19 and 20, 2015.
12. That the Inspectorate General of Justice be requested to submit the complete file relating to Seguridad Integral Empresaria S.A. and American Tape S.R.L.

Please provide accordingly,

LET JUSTICE BE DONE.