

*AMIA CASE*  
*Report on the judicial activity*  
*1994-2015*

(EXCERPTS)





# Foreword

It is not uncommon to hear people claim that the twenty years of judicial investigation into the AMIA bombing did not produce any concrete results. This mendacious assumption is not only the consequence of a certain widespread skepticism, which is perhaps justified by the chaotic evolution of a good deal of our country's history, but in recent times has also been lent tendentious support by a political sector that, in a somewhat paranoid manner, believed ideological perspectives should take precedence over manifest facts <sup>1</sup>.

Certainly, it would be impossible to deny that from the start the case was beset with immense difficulties that seriously affected its scope. But it is also true that, despite all the obstacles that came to hinder the development of the investigation, the AMIA case produced results that cannot be underestimated or downplayed.

Suffice it to recall that it was precisely on the basis of the facts substantiated in the AMIA case that on March 14, 2007 the Executive Committee of Interpol unanimously ordered the issuance of red notices against those accused of the bombing and that this decision was approved by a vote of the General Assembly in November of that year.

The AMIA case is a story of advances and setbacks on a path strewn with lies. The "innocent" lies told by employees of a parking lot where the van used as a car bomb had been left at least 48 hours before the attack, who lied about their working hours because they did not want to let it be known that they were being paid "under the counter"; lies told by police officers who tried to hide their illicit activities and the protection they afforded to a wide variety of common crimes; lies told by leaders and politicians who, by announcing supposedly marvelous findings or providential discoveries (that usually took place shortly before the anniversary of the bombing,

1 "Memory is relatively easy to deal with, from the totalitarian point of view. There is always some agency like the Ministry of Truth to deny the memories of others, to rewrite the past. It has become commonplace circa 2003 for government employees to be paid more than the rest of us to debase history, trivialize truth and annihilate the past on a daily basis." Thomas Pynchon, Foreword to George Orwell's "1984".

on July 18), sought to win from society the favor and credibility that their insipid governments denied them; lies told by journalists or writers or pseudo ones who, by constructing the most tangled conspiracy theories, tried to sell books to make a quick profit that patient and honest work could not offer them.

We believe that it would not be out of place to state that the AMIA case is not only the investigation into the most heinous terrorist attack suffered by our country but is also in a sense a mirror that reflects back a significant portion of Argentina's history.

A tumultuous history plagued with socio-economic crises that have eroded the existing social structures or prevented the construction of a strong state capable of responding appropriately to the needs of the population. One of the sectors most affected by this process of deterioration was the judiciary: made up of personnel scarcely trained to deal with complex cases, given scant material and financial support and subject to intrusion by the political branch.

In the context of the Jewish Tradition, "Ethics of the Fathers" I-18 states that "Rabban Shimon ben Gamliel said: By virtue of three things does the world endure: truth, justice and peace, as it is said: "You shall administer truth and the justice of peace in your gates".

The simplest and most obvious explanation of this wise quotation is that, since it occupies an intermediate position between the other two terms, justice feeds on truth to establish peace. In contrast, when justice fails, truth becomes corrupted within the convoluted circumstances in which it exists and breaks down into a set of relativizations that, unable to engender anything but conflicts and disagreements, threaten the very pillars on which society is based.

In light of these reflections, we wish to express that the exploits of those who did so much to clarify the AMIA case were also a way of affirming the foundations of a better society. We are referring to the relatives of the victims, who never gave up striving to discover the truth; to so many community leaders who were sincerely committed to the advancement of the case; to AMIA's lawyers and numerous judicial officials who remained loyal to their convictions and were able to overcome their reasonable fears. We do not wish to idealize; we all made mistakes ... as fallible beings it could not have been otherwise. Despite this, it remains true that we are referring to honest and well-intentioned people who, according to their means and based on the position they occupied, contributed to the advancement of the case.

It is true that over the years there has been much talk of the AMIA case, but very little has been said about the essence of it: the evidence arrived at. We have already referred to the decisions taken by Interpol in 2007, and we would now like to emphasize that these decisions were taken based on the findings firmly established in the AMIA case, which include the following:

It is known who ordered the bombing.

It is known what the motives for the bombing were.

It is known where and when the decision was taken to attack Argentina.

It is known who was responsible for carrying out the bombing.

It is known who coordinated the bombing.

It is known when the operative team tasked with carrying it out entered the country.

It is known when that operative team left the country.

All the points we have just mentioned are findings of the judicial investigation, the detailed analysis of which can be found in this monumental work by Mr Bronfman.

However, despite the achievements, much remains to be discovered about the local connection: we still do not know who the middlemen were (who transferred the Renault van) between Telleldín and the terrorists. In the last statements he made, Telleldín accused members of the Buenos Aires Provincial Police, so we still cannot understand why, despite repeated requests from AMIA and DAIA, an appeal was not launched at the time against the sentence issued by Federal Oral Court No. 3 to demand that the new trial should not be limited to just Telleldín but instead be extended to the rest of the accused (these same Buenos Aires provincial police officers), thereby wasting one of the most invaluable opportunities to clarify the case.

It is also true that, despite the results of the investigation, it was not possible for the accused Iranians to be brought to trial and much less convicted; but it would be unfair to attribute this result to the case itself when the real motives are to be found in the continual refusal by the Islamic Republic of Iran to cooperate with the Argentine judiciary and in its clear intention to shield the accused.

On the other hand, we do contend that the Argentine judiciary was incapable of investigating the bombing of the Israeli Embassy and that many of the obstacles that had to be endured in the AMIA case, and perhaps the bombing itself, were due to the fact that the Israeli Embassy case, entrusted by constitutional mandate to the Supreme Court, ended in a huge failure.

The conclusion one is forced to reach is that what has happened once can happen again. That, as a society, the risk implicit in the inability to modify the conditions that enabled the terrorist attacks is huge. It is as simple and obvious as learning from past experiences. When more than a year and a half after the event we see that it has not yet been possible to determine the circumstances surrounding the death of Alberto Nisman, none other than a federal prosecutor, we must conclude that there are many important things that have not been able to be corrected and that, as a result, we remain enormously vulnerable.

It was the task of the lawyers in the AMIA case to try to mitigate many of the effects of those constituent shortcomings of the state, from navigating the obstacles aris-

ing from procedural criminal legislation that was inadequate and outdated for dealing with international terrorism to undertaking the work necessary to neutralize the false leads introduced by both common criminals and political operators who frequently responded to those same intelligence services that, under normal conditions, should have constituted one of the main tools in the investigation.

We cannot fail, then, at this point to express our recognition of the work of many counsel who in these twenty-two years have displayed the necessary courage and determination to work toward the elucidation of the AMIA Case: Luis Dobniewsky, Juan José Avila, Marta Nercellas, Carolina Fernández Blanco, Mariano Fridman and, of course, the author of this enormous work that we are prefacing here, Miguel Bronfman, who became involved in the AMIA case while still very young, as a collaborator of Mr Dobniewsky in 1998 and continued to work non-stop on the case until 2008, when he was appointed as AMIA's legal representative, a position he held until the end of 2015.

I met Mr Bronfman shortly before becoming president of AMIA in 2013. From the numerous conversations I had with him, I learned that, despite the enormous tangle that the case had become, it contained concrete information, clear lines of inquiry and, ultimately, a series of conclusions that formed the basis for the abovementioned "red notices" issued by Interpol against members of the government of the Islamic Republic of Iran, as well as the foundation for the accusation against that state formulated by Judge Canicoba Corral.

Thus, when—after the infamous "Memorandum of Understanding" with Iran—attempts were made to establish the erroneous opinion that nothing of importance had been found in the AMIA case, that so many years of work had produced no results and that the "Memorandum" was the answer to a case that had been paralyzed all along, I clearly understood the reason why those who knew the case best felt the greatest outrage. It seemed a grotesque mockery manifested in the form of an act of government ... of the government of Argentina.

What was taking place was of very great concern to us and, among other measures, we decided to convene a meeting with former presidents and former lawyers of AMIA and DAIA to hear their points of view and, on that basis, draw up possible courses of action. One of the highlights of the discussion on that occasion was the proposal by Mr Alberto Crupnicoff, AMIA's President at the time of the bombing, to produce a work summarizing the AMIA case that would serve to explain it, reveal many of the specific substantiated facts contained within it and, despite its complexity and magnitude, enable anyone who so wished to gain an understanding of it; in short, a summary that would form the basis for further analysis and would certainly express what AMIA had to say on the matter.

I remember that at that time I liked Mr Crupnicoff's idea very much but also considered it impracticable. I thought that summarizing the most voluminous case in Argentine judicial history was impossible. Doing so would involve being familiar with the entire AMIA case and, armed with that knowledge, separating the essential from the incidental (which would also mean possessing the necessary judgment); besides, I thought it was a task that would take years to complete and that, as is so often the case, the urgent had displaced the important.

Several months went by after that meeting, the discussions regarding the "Memorandum" were deteriorating, the death of Alberto Nisman had taken place and every possible "theory" was being put forward in the media, the constitutionality of the "Memorandum" was being defended from certain well-defined ideological positions and the findings of the AMIA case were being attacked in an ambiguous and generic manner. Under those circumstances, I commented to Mr Bronfman, more as wishful thinking than a real possibility, that in a situation such as the one we were facing, it would have been useful to have that summary of the AMIA case that we had talked about a few months earlier in order to express what AMIA had to say about the AMIA case. To my amazement, Mr Bronfman replied that he could do it. I did not know whether he was serious or whether it was some sort of joke and yet I asked him how long it would take ... "Eight months I think", he replied.

Here is the result of that work: an approximately eight hundred-page summary of all the proceedings in the AMIA case. A medium from which to learn, investigate and further our knowledge.

To conclude, I would like to say that this work by Mr. Bronfman is a testimony that will no doubt become an "essential reference" for understanding the AMIA case and, as such, is bound to resist the passage of time and the risks and temptation of oblivion. It is a work that speaks of facts, of things that happened and that, irrespective of the possible interpretations, no one can deny in terms their horrific reality.

We wished to leave till the end of these reflections the expression of our heartfelt tribute to the victims of both attacks. Absurd deaths that made sense only to the murderers, for whom they were nothing more than an impersonal mass of beings without name or history, nothing more than a number: the bigger the better. For the rest, for those of us who respect the value of life, these were inexplicable tragedies. No one could provide a reason why death chose some and not others. Nor is there any reparation possible for such an immense loss; not even the trial and conviction of those guilty would be sufficient in the least. However, it is our moral duty as a society to do everything possible to guarantee that the judiciary fulfills its role, and it is our obligation, to our children and to the future, to use every means to ensure that such appalling episodes are not repeated.

Our country has twice been the target of international terrorist attacks. Those attacks that in 1992 and 1994 appeared to us to be relatively isolated incidents have now become events that are witnessed almost daily around the globe, on a scale and with a degree of cruelty that renders them unspeakable. The challenge thus facing democratic countries is enormous: how to fight terrorism without falling into the dialectic of terror, in other words, without sacrificing those values that dignify them as such<sup>2</sup>.

We know that there is no easy answer, there are no magic formulas and there is always a price to be paid. However, twenty-two years on from the AMIA bombing, we cannot help but wonder whether, given the global expansion of the terrorist scourge, we are better prepared than we were then to deal with it.

**Leonardo Jmelnitzky**

*AMIA President*

MAY 2016.

2 This is an age-old dilemma it seems. In the preamble to the second speech against Catiline, Marcus Tullius Cicero had already stated: "Too long have we said to ourselves "Intolerance of another's politics is barbarous and not to be countenanced in a civilized country. Are we not free? (...) I tell you that freedom does not mean the freedom to exploit law in order to destroy it! It is not freedom which permits the Trojan Horse to be wheeled within the gates and those within to be heard in the name of tolerating a different point of view. He who is not for Rome and Roman law and Roman liberty is against Rome. (...) He cannot ride two horses at the same time. We cannot be for lawful ordinances and for an alien conspiracy at one and the same moment. (...)" Quoted in "A Pillar of Iron" by Taylor Caldwell.



# Presentation

## I.

This year it will be twenty-two years since the bomb exploded at the AMIA center, that morning of July 18, 1994, shortly before 10 am. Despite the fact that Argentina had suffered a similar terrorist attack less than two years earlier, on March 17, 1992, against the Israeli Embassy, no one was prepared for another bombing.

Neither the political authorities, nor the police, nor the security forces, nor the judicial officials. No one at all. Thus, once the bombing had taken place, they proceeded to do “what they could, as best they could”. It was in this context that the judicial investigation into the worst terrorist attack in Argentina’s history was born: with no one knowing exactly what needed to be done. We all remember the images of the bombing site moments after the blast had occurred: disorder and chaos, with dozens of well-meaning people trampling over the rubble, not only altering the crime scene but also even preventing an efficient operation to rescue the victims. So began the investigation, which in addition—as though inexperience, lack of knowledge and confusion alone were not enough—would become mired from the outset in the darkest and most corrupt shadows of the intelligence and security forces, something that would also define the fate and the course of the investigation.

In any country with solid institutions and a true separation of powers (among other things), an act of terrorism such as the AMIA bombing is immediately treated as a matter of national security, which is the responsibility of the political authorities and the police and security forces to solve. The judiciary in any event must “judge” the perpetrators—who are identified and brought to court by the security forces, not by an “investigating magistrate”—see to it that the rights of the accused are preserved, and ensure that the investigation and judicial process keep within the channels of legality. Many of those countries also have in place anti-terrorism legislation that gives investigators access to investigative, legal or procedural tools that in many cases are “exceptional” or different from those used to investigate ordinary crimes. Despite the

two attacks, and the not infrequent threats of a third, we still do not have any real Anti-Terrorism Act in Argentina. In the committal for trial of part of the case issued in 2000—the relevant sections of which are transcribed here—former judge Galeano revealed a number of shortcomings and deficiencies, some of a legislative nature, and yet no progress has been made in this regard.

Here the job of solving the crime was entrusted to a federal judge, with no experience or knowledge of international terrorism—something none of his colleagues anywhere in the country had either—in charge of a court with no specialization in the matter and no resources other than those of any court prepared, in the best case scenario, to investigate the ordinary crimes envisaged in the Argentine Criminal Code in the early twentieth century.

In hindsight, when one looks at the conditions in which the bombing took place, the lack of response on the part of the political powers, the acts of pettiness of every kind that soon emerged—from the failure by the various security forces to share information, for example, to the red herrings fed to the judge to avoid exposing any blunders or incompetence on their part—and the conditions in which the investigators worked—in total solitude—it becomes clear that the chances of success in the investigation were remote.

Comparisons have often been made with what took place following the terrorist attacks in the United States in 2001, in Atocha, Madrid, in 2004 or in London, in 2005. It is said, lightly, that there the bombings were solved in a matter of hours, and the perpetrators were tried. However, it is sufficient to point to just two or three *huge* differences between those cases and the AMIA bombing. On the one hand, in all cases the bombings were treated as attacks on national sovereignty and security, and therefore as veritable “matters of state”, with the political authorities leading the response provided by each of these countries to the incidents; these countries were equipped with Special Forces to deal with terrorism cases. On the other hand, and no less importantly, at least in Madrid and London, there were parts of the terrorist operations that were unsuccessful—bombs that did not go off to be more precise—which enabled the investigators to quickly launch an investigation based on definite leads.

Lastly, although we could find dozens of differences, it should be stressed that in none of those cases did anyone think, or seriously contemplate the possibility, that those countries’ own security or intelligence forces might be involved in carrying out and/or preparing the attacks. This did happen here in Argentina, where immediately there were suspicions, in some cases not unfounded, about the possible participation of organic or inorganic elements linked to the security and intelligence forces, and where, still today, numerous behaviors by various members of these forces are not

entirely clear, and it is impossible to know for certain in some cases whether they acted out of mere incompetence, or with the intention of covering up conduct that was clumsy and negligent, or illicit but independent from the bombing, or whether there may actually have been an involvement of a more direct nature in the bombing.

As a first example, when Telleldín was arrested, and during the raid on his house, several of his personal address books were confiscated, some of which, despite having been seized, later “disappeared” and did not reach the hands of the judge, as also happened with “floppy disks”, or even the famous sixty-six tapes of wiretaps taken from the home of Telleldín himself—for which the former Federal Police Commissioner Carlos Castañeda was convicted, as can be seen in one chapter of this report. Now, apparently, these address books of Telleldín’s were full of names and contacts of federal and Buenos Aires provincial police officers, from street officers to high-ranking commissioners. The question then is: were those address books made to “disappear” to protect these people from being found among the contacts of a career criminal with a record of various offences, or were they made to disappear because they contained even more incriminating information, either for Telleldín or for one or more of the police officers named therein?

Let us take another example to ensure that this is understood: it is clear that, following the 1992 bombing, the Argentine Intelligence Agency, the SIDE, had been monitoring both Mohsen Rabbani—the then Cultural Attaché to the Iranian Embassy in Buenos Aires—as well as other officials of that Embassy, among other intelligence measures. Nevertheless, the 1994 bombing occurred anyway. Clearly and undeniably there was a failure on the part of the local intelligence services to warn of and prevent the bombing, since Rabbani is now the prime suspect in the case. Was he being investigated over the 1992 bombing or was he being monitored on the suspicion that there might be, or the certainty that there would be, another bombing?

This simple fact may explain many of the things that later happened during the investigation: how far and to what extent was the SIDE aware that the bombing was being planned? How much of that information was then handed over to the judicial authorities? Absolutely all of it? Or did the SIDE perhaps decide to omit whatever information—if indeed there was any; we do not know—that may have compromised its responsibility for failing to prevent the bombing?

Unfortunately, I believe these questions will remain unanswered for many years; but irrespective of that, I also believe that they serve to explain, in retrospect, many of the difficulties that emerged from the first day of the investigation.

While France, for example, sent hundreds of agents from various forces to work in the Nigerien desert and obtain evidence from the crash site following the bomb

attack that brought down a French plane en route to Paris in 1989 killing over one hundred people, former judge Galeano had a team of just eight federal police officers in the early years of the investigation. These were officers that also belonged to the Department for the Protection of Constitutional Order (DPOC for its abbreviation in Spanish), commonly known as “poc”, and hence they were ironically referred to as “*los poquitos*” or “the few”. As we will see later in this report, the head of that division, former commissioner Castañeda would later be convicted of the voluntary and intentional disappearance of valuable items of evidence.

Furthermore, a great hypocrisy, which over the years took different forms and involved different actors, also played a major role. Let us look at some examples. Although there were always calls for the AMIA bombing to be regarded as a matter of state, when former judge Galeano returned from Venezuela after interviewing an Iranian defector who had provided him with information about Iran’s responsibility in the bombing, the former judge considered that, since a third state was involved, he should inform the President of the Nation, which is why on his return he proceeded to the presidential residence. This was later seen as a subjugation of the judiciary to the executive, and as a loss of impartiality on the part of the then judge. The hypocrisy contained in that view is more than apparent, not to mention the fact that, according to several eyewitnesses to that meeting, former president Menem paid virtually no attention to the man heading the investigation, or the revelations he had for him.

Throughout these years there have been people, or groups of people, who have either claimed to have— or rather, tried to claim—an exclusive monopoly on the grief and sought to establish “categories” within the families of the victims, for example, or else have set themselves up as the guardians of ethics and not hesitated to climb up on some imaginary pulpit from where they have been able to point the finger and judge the behavior of other actors in the case, while never casting doubt on their own conduct.

As the alleged holders of the absolute truth, the group Memoria Activa in particular took the view that everything in the investigation had to be discredited. In confrontation with former judge Galeano and critical of his handling of the case, their hardened stance dictated that nothing the former judge had done could be of any worth. For example, in the trial of 2001–2004, the entire first year was dedicated—as we will see in a special chapter—to prove how the bombing had occurred. The public prosecutor’s office and the unified plaintiff, made up of AMIA–DAIA and the main group—at that time—of the relatives, maintained the existence of the car bomb, as had been confirmed in the preliminary investigation. Opposed to our position, for obvious reasons, were all the defense teams ... but also, for reasons that were never

entirely clear, Memoria Activa, which in an attempt to try to show that there had been no car bomb—in the end they had to surrender to the evidence—identified with the defense teams of those accused in the trial of being participants in the bombing.

Nevertheless, irrespective of these examples mentioned here, the behavior of Memoria Activa has never been brought into question by AMIA or DAIA, and nor is it being now, in complete contrast to the actions of that group, which has even accused the institutions and some of their lawyers of various things, some of them serious, in relation to the failure to solve the bombing. But it is necessary to show that, in the worst case scenario, all, absolutely all the actors in this tragic event, the most harmful consequences of which continue to reverberate, have made mistakes and have shown flaws in their political and judicial conduct.

Perhaps the worst of these hypocrisies, at any rate, and one which in my opinion constitutes an extremely serious distortion of events, is that of attributing responsibility, of any degree, to the leaders of the community institutions for the fate, success or failure of the investigation. This involves an alteration in the natural order of things that is simply intolerable, since it means turning the victims into victimizers. AMIA and DAIA were victims of the bombing and, in addition to having suffered the attack, the victims cannot be held responsible for the improper conduct of the institutions of the republic, or worse still be tasked with finding and prosecuting the culprits. The responsibility for solving the bombing and bringing the perpetrators to trial was, is and always will be irrevocably and uniquely that of the state. This matter is dealt with at length in the chapter detailing the request for trial filed by AMIA and DAIA, in what is known as “AMIA II”. The position of the institutions is set out here, and it is this I am referring to.

All I wish to say here is something obvious and evident, but that nonetheless must be said once again: neither AMIA nor DAIA, in general, nor their leaders, employees or lawyers knew or had even so much as a distant prior relationship with individuals like Telleldín, the former Buenos Aires provincial police commissioner Ribelli and the other police officers investigated at the time, or with the former “carapintadas”—right-wing army mutineers—Pacífico and company, or the people from MODIN—the political party founded by Aldo Rico, which was also investigated—or the spies from the SIDE, or the federal police officers, or Rabbani or anybody from the Iranian embassy, or Wilson Dos Santos or Kanoore Edul, or the Haddad family, or the investigators assigned to the case originally or those who joined it later. Neither AMIA nor DAIA ever had any other interest than discovering the truth and seeing that justice was done: they were not involved in, interested in or aware of any “official story.” All those names, and dozens of others, some of which will appear in the report

that follows, only began to exist for the community institutions as of July 18, 1994, when a bomb exploded at their headquarters on 633 Pasteur Street, destroying an entire building, killing eighty-five people and wounding hundreds more, and an investigation by the state was launched to find those responsible. Any other version of events that may be put forward, in which the institutions, their leaders and/or lawyers are held to have played any role or part in the direction(s) that the investigation might have taken is merely a perverse distortion of historical reality.

## II.

Notwithstanding what has already been said regarding the shortcomings, and in many cases apathy and negligence, on the part of the state throughout these years, there has been no lack of well-intentioned government officials, or of community leaders with the difficult responsibility of running their institutions and striving to get the case cleared up, who in their own way rose to the occasion. There have also been strenuous efforts, imbued with the indescribable pain of irreparable loss, on the part of the relatives of the victims, who never ceased to keep their claim alive, in an admirable demonstration of courage, integrity and commitment. Under these conditions, as has been stated, people did the best they could: not everything the judge originally in charge of the case, Juan José Galeano, did was bad, and there was a lot of what he did that was very good, and formed the core of the case that prosecutor Nisman would later pick up, and in fact the first conclusions he arrived at, as will be seen in this report, a matter of days after the bombing still form the core of what has been proven in the case; the work carried out without resources or a structure of any kind by the former prosecutors Eamon Mullen and José Barbaccia also contributed decisively toward the first successes in the case, and it is, in my opinion, unjust that they are now being prosecuted precisely for having attempted to solve the case and bring to trial what at the time was believed to make up the “local connection.” By the same token, not everything that Nisman and Canicoba Corral did was good, and in fact there were things, for example, that they did not do and should have done, since they let pass what was possibly the last opportunity to conduct a serious investigation with any chance of success into the “local connection”. When the Supreme Court ordered the case against Telleldín to be reopened and validated much of the initial investigation by former judge Galeano, AMIA and DAIA strongly urged that the new investigation should not be limited to Telleldín, and to retrying him with the same evidence that had been used at the 2001–2004 trial. On more than one occasion, calls were made, within the judicial inquiry and beyond—in the anniversary speeches for example—for the investigation to be broadened as much as possible, as we were always convinced

of the existence of this “local connection”. However, neither the judge nor the prosecutor—who bore more responsibility since the investigation was delegated to his Special Prosecutor’s Office—did so, and Telleldín will soon be retried without the investigation having been widened in relation to him, or to other individuals. Telleldín continues to conceal the identity of the person to whom he gave the Renault Traffic van on that July 10; this is true, but it is also true that when he was asked at the trial whether he had lied or told the truth in the statement he made following the payment of four hundred thousand dollars, he said he had told the truth, and he also said, in his last chance to speak at that trial, that on that July 10, the Renault van “had been taken away by the Buenos Aires Provincial Police” from his home. All this should have been looked into further, and yet nothing was done about it.

The results achieved have not been all that was desired, or all that a reasonable and fair rule of law owes its society and the victims. However, I must state emphatically that there was nevertheless much that was done, and much that was able to be cleared up. Considering the conditions described here only very briefly, it seems miraculous that we now know how the bombing was carried out, how the explosion occurred, and who the prime suspects are.

Among other reasons, the idea for this report grew out of the need to eradicate, or to help to eradicate, the notion that the AMIA case “is at a dead end” and “nothing has been found out”, that, just like on that July 18, 1994, it is at “square one”.

There have always been people who have tried to impose this blatant lie, but it is over the last two years that it has taken on a power that is tremendously damaging, because it has been promoted by the national executive branch itself. As though none of the information contained in this volume had ever existed, when it signed the now annulled agreement with Iran in 2013, the then government maintained that this pact was necessary to “clear up the case and arrive at the truth” because the case was “paralyzed”. This is detailed in the chapter dedicated to the Memorandum of Understanding.

If anything paralyzed the case, causing it damage that may yet prove to be irreversible, it was precisely the signing of the pact, in disregard of the National Constitution.

The damage that was caused, with the signing of the MoU and the rhetoric that accompanied it, which attempted to justify its necessity by seeking to establish that the case had “got nowhere” and had to be “cleared up”, was enormous, and had consequences that still continue today. The curious thing is that while the government was publicly declaiming that a “Truth Commission”—in which Iran was to participate—was necessary to solve the case, the former President of the Nation herself, in an interview with an American journalist for the *New Yorker*, clearly stated that, in her opinion,

Iran was responsible for the attack—as can be seen in the video that was recorded of the interview <sup>3</sup>—and the former foreign minister, in statements recently made public, acknowledges that it was indeed Iran that “had planted the bomb”.

### III.

One of the aims of this report is to try to repair that enormous damage, albeit to some small extent, and to bring to light, in full view of anyone who wants to see it, even if it is only on a very small scale, the monumental investigation that was carried out in an attempt to solve the case. It is true that it did not always bear fruit or produce positive results, but as we will see, not only was there a lot that was cleared up, there was nothing that failed to be investigated. In retrospect, this may be viewed in a negative light, since it overloaded the case, and the investigation in general, with an amount of information that was simply enormous, and often, it must be said, useless. The fact remains, however, that in a case like this it was difficult to determine *a priori* which leads should or should not be investigated, leaving aside any that were absurd or patently unreliable. This report therefore includes an entire chapter summarizing the most important leads that were also investigated, some of which have now been closed, but others remain open, at least at the formal level since, in my opinion, the investigation in general has now been largely abandoned.

At the same time, while including all these alternative lines of investigation proved a drain on resources, it now also serves to put several things into perspective: on the one hand, the fact that virtually nothing that was found to have any degree of seriousness failed to be investigated; and on the other, that the only lines of investigation that paid off and yielded concrete results were those that led to establishing the main hypotheses regarding the bombing, to which the bulk of this report is devoted, or at any rate the longest chapter. That is to say, the responsibility of Iran and Hezbollah. This will serve, among other things, to banish the erroneous idea that the investigation sought to establish an “official story”; it will also serve to demonstrate that the accusation against Iran and Hezbollah was not an invention or a conspiracy by the leaders of the Jewish organizations—whom, I repeat, were victims of the bombing—or by third countries. The fact that third countries—the United States, Israel, France or others— may have had an interest in the investigation, especially since 2001—is one

3 The transcript of the interview as it appears on the website [www.cfkargentina.com](http://www.cfkargentina.com) :

*Journalist:* I see, but, do you believe that the Iranian government has any responsibility?

*CFK:* According to the statements of the Argentinean judiciary, I have to say yes. That is why, if it had been otherwise I would not have signed the agreement (....) tal como se habría hecho estrvamente la Naci la de la revista New Yorkerados como parta mucho mtre otras, de orden legislati Anyway, we have to say something, in my country nobody is guilty until found so in a final judgment (...) but obviously I think that Iran was actually involved. Or else, how could I ask for people to be extradited.



thing, but the idea that they may have worked in partnership with other actors—the Argentine intelligence agency SIDE, former judge Galeano, prosecutor Nisman and the Argentine Jewish leaders—to fabricate a false lead, is quite another.

Of course, it will be impossible to convince otherwise those who believe the whole case “was set up”, and that the accusation against Iran and Hezbollah was first “invented” and then “fabricated”, as was allegedly done previously with the Buenos Aires provincial police offers that ended up being acquitted. Their reaction to this report will simply be that it is “more of the same”.

One example of this conspiracy hypothesis is the treatment given to a diplomatic cable sent to the Foreign Ministry by the Argentine Ambassador to Israel following the bombing, after he had met with senior Israeli authorities.

In the cable, the then Ambassador, José María Valentín Otegui, reports that the Israeli government had expressed to him that “it is important to coordinate with our own a matching version of the bombing ... since the opposition parties and certain media are using the incident to strongly attack Rabin government peace policy”. It is then stated in the cable that Israel “has no complaints about how our own is handling the issue. Objective of high level interview requested—which refers to an Israeli official who was on his way to Argentina, along with rescue forces sent by the country— is to coordinate the interpretation of the bombing” to “present to the press a unified version of events”.

For those who supported the hypothesis of the “set-up”, the appearance of this cable—in 2004—was quite a revelation, since it was impossible to dispute or disprove: the governments of Rabin and Menem agreed, here at last was the proof, to “rig” the investigation and blame Iran.

However, that is only one interpretation, and a forced one at that, of what the cable says, which is unaccompanied by any other supporting evidence, or even any corroborating testimony. Wishing to share information and attempting to communicate an agreed version of what was known at the time does not, by implication, mean that there was a conspiracy to present a *false* version of events, as these are two completely different things.

#### IV.

This report, then, is an abridged summary of the history of the judicial inquiry that was carried out to solve the case, find the perpetrators and bring them to justice.

The “AMIA case” is now so vast as to be immeasurable. Almost twenty-two years of judicial proceedings, with hundreds of leads investigated, hundreds of false leads—many of them deliberately planted to divert the inquiry—thousands of witnesses,

dozens of people charged—some of whom still stand accused, more than twenty years later—; hundreds of investigation dossiers, a “main case file” that exceeds one hundred fifty thousand pages; boxes of confidential documentation that take up entire offices, tons of paper and tapes of wiretaps with evidence collected in countless raids, a trial that lasted three years and involved fifteen hundred witnesses, which ended with a nearly five thousand page-long judgment that was upheld by the Court of Cassation ... but was later annulled by the Supreme Court, which ruled that the original investigation be reopened. In short, a veritable maze with no visible horizon, which just keeps on expanding.

The main objective of this work, among others, is to throw some light on that colossal and unwieldy “monster” that the AMIA case has turned into. It is to clarify a number of essential and basic issues. Milestones in the investigation that, even though they have been judicially established, may also be made to disappear by the passage of time, lack of interest and the “black hole” that the case has become, which swallows up and destroys everything in its tracks.

The community leadership is renewed every three years, in both AMIA and DAIA. Many of the leaders in office today, and slowly but surely all those that will come to office in the future, will have increasingly distant contact with the investigation, its achievements and, principally, its very foundations. This is the aim of this task that today, partly because the case is still open, we will finish and deliver: to present, in a summarized and at times partial manner, those foundations and the evidence that over the years has supported the conclusions that were arrived at.

Here one will find how and why it was judicially proven that the attack was committed by a car bomb; that that car bomb was assembled using a Renault Trafic van, which Carlos Alberto Telleldín had in his possession until at least July 10, 1994. Here one will find why it is absurd, at this point, to try to maintain any other version of how the explosion that demolished the building at 633 Pasteur Street took place, since all the other possibilities were analyzed and ruled out.

One will find, in at times terrifying detail, how parts of the Renault van-turned-car bomb were extracted from the bodies of several victims of the attack: slivers of metal converted into lethal weapons, embedded by the blast in the bodies of the victims. Anyone who reads that detail will wonder how there can be people who still try to say that the car bomb “did not exist”, or that the evidence—the engine, for example—“was planted.” This would mean that not only were pieces of a van thrown among the rubble of the building, under the noses of the intervening police forces, but also that those remains of the van were embedded, manually, in the bodies of the victims. As difficult as it is to believe, these sick and perverse voices did exist, and many of them are still operating, trying to hide the ‘unhideable’.

Here one will find the basis for the international arrest warrants issued against the Iranian and Lebanese nationals accused of being perpetrators of the bombing, as well as the reason why responsibility for the attack was judicially attributed to certain authorities of the then government of the Islamic Republic of Iran and the terrorist group Hezbollah.

Here one will find in summarized form the opinions issued by the public prosecutor's office outlining all the evidence gathered since the day of the attack, which clearly indicated that the bombing had been carried out by Iranian officials, and that the Iranian Embassy in Buenos Aires had played a major role.

One will also find the first judicial decision handed down in the case, a matter of weeks after the bombing, by the then judge Juan José Galeano, which already at that point stated not only how the attack had occurred—which as I have mentioned previously was debated for years—but also the responsibility of Iran. At the same time that they would rule out other leads, the years of investigation would confirm this first attribution of responsibility.

Here we find out why the “Syrian trail” as such never existed and was just a media invention with no parallel in the case or the investigation, based on the family relationship of former president Menem with certain individuals, and of course his family origins; and one will also encounter the suspicious position maintained by some former members of the army, former “carapintadas”, at the time of the attack, which was such that they still stand accused today.

One will also discover how the first police officer who drafted none other than the first pages of the judicial file, the former police commissioner Carlos Castañeda, was later convicted over the disappearance of items of evidence of paramount importance.

In addition, one will see why AMIA and DAIA opposed the Memorandum of Understanding signed with the Islamic Republic of Iran, and why the Judiciary agreed that they were right to do so in declaring it unconstitutional.

Summarizing a case of this nature is simply impossible. What this report reflects is, first, a chronological summary of the major events that took place in the judicial proceedings, and second, a summary of the most important decisions and opinions issued over these almost twenty-two years. With regard to the latter point, the intention was to be absolutely objective and faithful to the content of those documents, and it is for this reason that they are not accompanied by any comments, notes, further insights or other additions that might alter their substance. They have been summarized for ease of reading, within a broader context that enables them to be situated in time and within the progression of the judicial proceedings. In a few cases, written statements or presentations made by AMIA and DAIA have been included when it was deemed

appropriate to make use of those documents either to clarify a specific point or to make clear what the position of the organizations was in relation to a given situation. I am aware, however, that the mere fact of making a selection in itself involves an inevitable subjectivity—why include certain documents or events and why omit others—but irrespective of this selection, which has sought to follow the broadest and most comprehensive approach possible, an attempt has nevertheless been made to fully respect the content.

The truth is that the “AMIA case” was never *just* a judicial inquiry—far from it. This report might be complemented by the political correlate of what was happening in parallel to the legal proceedings, which would perhaps be a task for historians and sociologists to undertake in the not too distant future. As is easily understood, that is not the aim of this report, but it is essential to clarify this in order for the reader to know that the perspective provided here is not even a partial view of the true “history” of the AMIA case.

For that purpose it would be necessary to include, merely by way of example, the speeches given by the community leaders and relatives of the victims every July 18, many of them political events in themselves; the disputes between the various groups of relatives, which gradually splintered over the years; the unfulfilled promises made by the succession of political powers; the countless maneuvers and “operations” by the press or intelligence services, which became almost a hallmark of this case; the attempts to distract attention and divert the inquiry; the manipulations, some blatant and others imperceptible, which always disturbed the normal course of the investigation and, of course, a correlate that links the development of the case and the investigations with the vicissitudes of national as well as international politics during all these years.

In retrospect, the “history” of the AMIA case might also be seen as the history of the “in-fighting” that took place, mainly but not exclusively, within the former Secretariat of State Intelligence (SIDE)—from the power bids between Sector 85 and the “Sala Patria” to see who would investigate the case, to the recent events that occurred after the signing of the pact with Iran<sup>4</sup>—and also within the other security and police forces; to which must also be added the clashes between them, some long-standing—Federal Police vs. Buenos Aires Provincial Police, for example—and others circumstantial; clashes that more often than not ended up implicating political and judicial officials, and also on more than one occasion, community leaders and relatives, lawyers and journalists.

4 Part of this “in-fighting” came to light during the trial, when numerous agents— including the former Secretary of Intelligence and his undersecretaries—were relieved of the obligation of secrecy and testified as witnesses. This material— the testimonies—still contains extremely valuable information about the case and the investigation, and at some point should also be rescued from oblivion.

More than a year after the event and in the indisputable context of indissoluble facts in all of this enormous mesh, the still-unsolved death of prosecutor Nisman is an unprecedented occurrence, and appears to be the height of the absurd, of the unthinkable; of the most abject horror and the most horrifying decay in which not only the judiciary but the whole of our society is immersed. The death of the AMIA case prosecutor during the course of his duties and just days after having filed criminal charges against the President of the Nation and the Minister for Foreign Affairs, among others, is already serious enough in itself, indescribably serious, without the failure to clarify that death in the slightest.

The “monster” that the AMIA case turned into put an end to the judicial careers of former judge Galeano and former prosecutors Mullen and Barbaccia, among other judicial officials, and those of several police, political and security force officials, who are now facing charges over various crimes allegedly committed during the investigation. And, however prosecutor Nisman may have died, it is clear that it also killed him.

This is why we have included his complaint, and the dismissal of that complaint that federal judge Daniel Rafecas later issued—thereby preventing such a serious accusation from being at least minimally investigated—which was then ratified by appeal court members Freiler and Delgado, and by Cassation Court Prosecutor De Luca.

The mammoth smear campaign launched against the late prosecutor, as was to be expected, also included the Jewish community leaders, which led to an absurd criminal complaint for no less than “treason”—any similarity with conspiracy theories of the rankest anti-Semitism is pure coincidence. Ironically, that complaint was opened to investigation, although it was later shelved, but not before causing legitimate concern for those involved. The latter episode—the false complaint—is not included here since it is of no relevance whatsoever for the purposes of this report, and since it was no more than an operation of the lowest kind.

As things stand today, a “comprehensive history” of the kind that includes the evolution of the case along with all these events (among which I have mentioned only a few examples here) is sorely lacking, and although necessary, as has been said, I have my doubts as to whether it may one day be approached with the seriousness and honesty that the issue deserves and demands. Not only would it be a Herculean task, there are also so many intermingled stories, so many controversies, so many conflicting opinions about so many events that have occurred over these long twenty years, so many unyielding positions, so many good intentions but also so much malice, that it would be unlikely to achieve a result that satisfies even a small majority.

## V.

Moving on then from what this work is not, and returning to what it seeks to contribute, we can summarize by saying that it seeks to make available, in a manageable volume and for practical purposes, what has been investigated and held to be true in the judicial inquiry; along with certain other aspects of the investigation, showing in broad terms how investigations were made or attempted to be made into everything that at first glance warranted investigation. Any reader who is interested, or eager to know more, will always be able to consult the first-hand sources: the summarized documents, the judicial file, which although labyrinthine and virtually “infinite” can perhaps be approached more successfully by taking this report as a starting point.

There will always be skeptics; there will always be those who do not wish to be convinced despite the strength of the evidence; there will always be the well-intentioned who will look for more, and there will always be the ill-intentioned who deliberately seek to twist whatever manages to light the way a little, albeit dimly. This report is not aimed at the latter group. It is aimed at those who wish to have the tools to know that what they assert—that there was a Renault Trafic van, that Iran and Hezbollah were behind the bombing, etc—and which is none other than the result of the enormous effort made throughout these long and painful years, has in fact been proven, and that these are not fabrications or the fruit of a huge international conspiracy. It is aimed in principle, although of course not exclusively, at the community leaders of the past, present and future, who had, have and will have the enormous responsibility of wanting to know what happened, who was responsible, and to continue fighting, despite the passage of time, for justice.

**Miguel Bronfman**

Buenos Aires, March 5, 2016

# Table of contents

PRESENTATION .....	1
TIMELINE OF EVENTS .....	18
AMIA I.....	18
AMIA II .....	24
THE JUDICIAL CASE.....	26
CHAPTER I: The first judicial decision.....	27
Introduction .....	27
The facts and location of the bombing .....	27
The investigation.....	30
The first tests carried out .....	30
Witness statements relating to the existence of a Renault Trafic van at the site of the bombing .....	30
Preliminary technical expert report .....	31
Steps that led to arrests and the identification of the Renault van.....	32
Events prior to July 18, 1994 .....	34
Relocation of the Court to Venezuela .....	35
The background to what took place in Caracas.....	36
Verification of the witness statement in Argentina.....	42
Local support.....	44
Judicial decision.....	45
CHAPTER II: Investigation into what became known as the “local connection” ..	47
Introduction .....	47
Request by AMIA for a committal for trial .....	49
Introduction .....	49
Trial request .....	49

Committal for trial .....	99
Investigation into the car bomb.....	100
Carlos Alberto Telleldín's relationship with members of the Buenos Aires Provincial Police and the lawyer Juan Alberto Bottegal .....	104
Proven facts .....	104
Accusations and defenses.....	115
Acceptance of the requests for trial and rejection of the objections presented by the defense lawyers .....	124
Reflections on the events of July 10, 1994 .....	138
Collaboration of other members of the Buenos Aires Provincial Police .....	140
Application of the legislation and the problems involved.....	141
Maximum period of arrest and incommunicado detention: extension of arrest ..	141
Processing as separate dossiers .....	142
Witnesses: fear and danger addressed .....	142
Infiltration by a witness with protected identity .....	143
Reward .....	143
Plea bargaining.....	146
Judicial decision.....	147
CHAPTER III: The trial .....	148
Introduction .....	148
The trial.....	148
The position taken by AMIA and DAIA at the trial. ....	149
The judgment .....	154
Following the trial. The path to the Supreme Court. A retrial for Telleldín .....	156
Established facts: Materiality of the bombing. The explosion. The car bomb .....	158
Introduction .....	158
The bombing .....	159
AMIA and DAIA.....	159
The dead and injured.....	162
Damage to buildings and vehicles .....	166
Findings at the blast site—the Renault Trafic van.....	168
Fragments removed from the bodies of the victims .....	178
The detonation .....	181
Witness statements about the existence of the van .....	185
Questions raised about the use of the Renault Trafic van as a car bomb .....	190
Discovery of the engine .....	197



The investigation into the Renault Trafic van.....	200
The Renault traffic belonging to “Messin” .....	200
The removal of the engine.....	204
The car workshop belonging to Nitzcaner.....	207
The Renault Trafic used as a car bomb .....	211
Parking for the van.....	216
Judgment handed down by Federal Oral Court N° 3 .....	223
Press release issued by Federal Oral Court N° 3.....	233
Supreme Court ruling .....	235
The ruling .....	236
Dissenting opinions of Enrique Santiago Petracchi and Carmen M. Argibay .....	240
CHAPTER IV: The Islamic Republic of Iran and Hezbollah .....	241
Introduction .....	242
The historical context .....	243
The Islamic Republic of Iran .....	244
Exporting the revolution and terrorism .....	247
Peace agreements .....	250
Argentine foreign policy.....	251
Bombing of the Israeli Embassy in Argentina .....	253
Measures taken during the investigation.....	256
Judicial decision of March 5, 2003.....	258
Abbas Zarabi Khorasani, Ahmad Allameh Falsafi and Monsef Gholamreza Mahvash.....	260
Judicial decision of May 16, 2003 .....	261
Judicial decision of August 13, 2003 .....	261
Opinion/Indictment of October 25, 2006 .....	262
The decision to carry out the bombing.....	263
Ali Akbar Hashemi Bahrami Rafsanjani .....	267
Ali Fallahijan .....	270
Ali Akbar Velayati .....	273
Ahmad Vahidi and Mohsen Rezai.....	275
The “intelligence station” in Buenos Aires .....	278
Embassy of the Islamic Republic of Iran in Buenos Aires .....	278
The Embassy’s Cultural Attaché Office.....	280
Mosques.....	282
Cover-up companies .....	284

Functional elements.....	287
Diplomatic mail .....	290
Ahmad Reza Asghari .....	297
Mohsen Rabbani.....	301
Suspension of the arrest warrants.....	319
Alí Akbar Parvaresh .....	319
Hadi Soleimanpour .....	320
The execution of the bombing: Hezbollah .....	327
Hezbollah .....	327
Imad Mughniyeh.....	341
The suicide driver.....	344
Claim of responsibility for the bombings.....	363
Conclusions .....	365
Judicial decision of November 9, 2006.....	366
Indictment/Opinion of May 20, 2009.....	367
The Triple Border Area.....	368
Samuel Salman El Reda.....	376
Communications.....	385
Conclusions .....	393
Judicial decision of June 6, 2009.....	395
Indictment/Opinion of May 29, 2013.....	396
Iranian intelligence bases in Guyana and Argentina: their construction as part of the policy of exporting the revolution .....	397
Mohsen Rabbani in Argentina.....	398
Abdul Kadir in the Republic of Guyana and the Caribbean .....	398
Comparison between the activities of Mohsen Rabbani and Abdul Kadir .....	409
The intelligence stations.....	413
Embassies.....	414
Cultural dissemination and Islamic propaganda.....	415
Mosques.....	416
Indoctrination .....	416
Intelligence activity .....	418
Exporting the revolution in South America .....	418
The Triple Border Area and Hezbollah .....	421
Rabbani's activities in Chile, Uruguay and Colombia.....	428
Conclusions .....	437
INTERPOL .....	440

Agreement between the NCOs in Teheran and Buenos Aires.....	441
Conclusions of the Office of Legal Affairs .....	442
Conclusions of the Secretary General .....	442
The decision of the General Assembly .....	443
CHAPTER V: Other lines of investigation .....	444
Introduction .....	444
The Carapintadas.....	447
The investigation .....	448
Origin of the investigation .....	448
Activities conducted based on the statements collected .....	449
Procedures carried out .....	451
Evaluation of the evidence .....	451
Links to the bombing of July 18, 1994 .....	453
Conclusions .....	454
Wilson Roberto Dos Santos and Nasrim Mokhtari .....	455
Statements given by Wilson Roberto Dos Santos .....	456
Investigative proceedings.....	458
The case for the defense of Nasrim Mokhtari .....	464
Judicial decision.....	465
Alberto Jacinto Kanoore Edul.....	465
The first steps .....	466
The investigation.....	467
Elements collected following Kanoore Edul's arrest .....	470
Conclusions .....	472
Nassib Haddad and sons .....	473
Start of the investigation.....	473
Investigation into the dumpsters.....	474
Conclusions .....	477
Investigation into the use of explosives by the accused.....	477
Other investigations .....	482
Statements given by the accused .....	483
Conclusions .....	487
Other dossiers .....	488
CHAPTER VI: The sentencing of Carlos A. Castañeda.....	494
Introduction .....	494

Statements given by the accused .....	495
Jorge Horacio Gelabert .....	495
Carlos Alberto Castañeda.....	496
Witness statements.....	499
Submissions.....	508
Vote of Judge María del Carmen Roqueta.....	513
The materiality of the facts and criminal responsibility .....	513
The merit of the evidence collected.....	514
Legal classification .....	518
The crime of ideological falsehood .....	519
Vote of Judges José Valentín Martínez Sobrino and María Cristina Bartola.....	520
Judicial decision.....	520
CHAPTER VII: Memorandum of Understanding between the Argentine Republic and the Islamic Republic of Iran.....	521
Introduction .....	521
Appeal on the grounds of unconstitutionality by AMIA and DAIA.....	521
Judicial decision and official communication by the judge .....	551
Appeal by AMIA and DAIA .....	555
Decision of the Federal Court of Appeal .....	561
Eduardo G. Farah .....	562
Jorge L. Ballestero .....	566
Judicial decision of December 2015 .....	571
CHAPTER VIII: The complaint filed by Alberto Nisman.....	572
Introduction .....	572
Complaint filed by Alberto Nisman .....	572
Clarification regarding the evidence .....	572
Prior history .....	573
Presidency of Néstor Carlos Kirchner .....	576
Presidency of Cristina Elisabet Fernández .....	578
The cover-up plan .....	578
The decision to stage a cover-up.....	578
The reasons for the cover-up .....	585
Memorandum of Understanding.....	591
Indications of the secret agreement signed with Iran outside the MoU.....	599
Mohsen Rabbani and the impunity plan.....	600

Actions to promote the criminal plan.....	602
The smear campaign .....	602
The campaign of deceit.....	604
Other ways the impunity plan was encouraged.....	608
Gestures and other favors aimed at facilitating the impunity plan.....	609
Parallel channels of communication and negotiation .....	610
Cristina Elisabet Fernández.....	610
Héctor Marcos Timerman.....	612
Luis Ángel D’Elía.....	614
Jorge Alejandro “Yussuf” Khalil .....	616
“Allan” .....	617
Fernando Luis Esteche .....	619
Héctor Luis Yrimia .....	620
Andrés Larroque.....	621
Conclusions .....	622
Statutory considerations .....	630
Precautionary measures .....	630
List of demands.....	631
Dismissal by Daniel Rafecas.....	631
Accusations.....	632
The first accusation.....	632
The second accusation .....	633
The evidence of certain alleged preparatory acts .....	635
The “Aleppo Summit” as the “starting point” for the impunity plan .....	636
The prosecutor’s version regarding the secret agreement over the cancellation of the red notices.....	638
The wire taps and their admissibility as evidence .....	640
Another version of events according to the UFI AMIA itself.....	644
A possible publicly actionable offense .....	645
Judicial decision.....	645
CHAPTER XI: AMIA II.....	646
Introduction .....	646
The first batch of prosecutions.....	648
The charges .....	649
Legal classification .....	651
Payment of US\$ 400,000 to Telleldín. Embezzlement .....	651

Deprivation of liberty and coercion of M. Salinas .....	655
Coercion and ideological falsity in the statement by Semorile .....	657
Malfeasance and abusive deprivation of liberty against Ribelli, Leal, Ibarra and Bareiro.....	659
Concurrence .....	664
Judicial decision.....	665
Request by AMIA and DAIA to send part of the case to trial .....	666
Second batch of prosecutions.....	692
Charges .....	692
Legal classification .....	695
Cover-up .....	695
Abuse of authority and breach of duty by a public official.....	700
Ideological falsity.....	703
Concealment and destruction of evidence .....	705
Malfeasance .....	707
Concurrence of crimes .....	709
Judicial decision.....	710
Request by AMIA and DAIA to send part of the case to trial .....	711
ANNEXES.....	724
Table of calls .....	724
Law No. 26.843 .....	735
DOCUMENTS REFERENCED.....	738

# *Timeline of events*

## AMIA I

1. On July 18, 1994 at 9:53 am an explosion occurred in the AMIA center building located at 633 Pasteur Street, causing it to collapse, killing 85 people, injuring over three hundred others and resulting in damage of varying intensity to the neighboring blocks. The case was assigned to the federal judge on duty, Juan José Galeano, and the federal prosecutors, who also happened to be on duty that day, Eamon Mullen and José Barbaccia. Acting on behalf of the Argentine Federal Police—PFA—in the investigation was the Department for the Protection of Constitutional Order—DPOC—headed by Commissioner Carlos Antonio Castañeda.
2. Preliminary forensics tests determined that the explosion was caused by a car bomb rigged inside a white Renault Trafic van. On July 25, the engine of the van was found among the rubble. From the serial number it was possible to reconstruct the chain of owners of the vehicle up to the last person to have it in his possession, Carlos Alberto Telleldín, who was arrested on the night of July 27.
3. The matter was referred to the Supreme Court to establish a connection with the “Embassy” case and the Court rejected it.
4. On August 9, 1994, the then judge, Juan José Galeano, issued a decision in which he requested international arrest warrants for four Iranian government officials, naming them as suspects in the bombing of the AMIA/DAIA center. In the same writ he ordered the prosecution of Telleldín, who was placed under investigation over the bombing.
5. In December 1995, the judge ordered a raid on the Campo de Mayo barracks, and the arrest of several military and former military personnel for alleged links to the attack. Although these individuals were later tried for other lesser offences, the investigation petered out without their participation in the bombing ever hav-

ing been proven. Nonetheless, they remain under investigation, including former army sergeant Jorge Orlando Pacífico, who was at the scene when the bomb went off but has never been able to satisfactorily justify his presence.

6. In July 1996, the then judge, Juan José Galeano, ordered the arrest of several serving Buenos Aires provincial police officers, the most senior ranking of whom was Commissioner Ribelli. A few days earlier, Telleldín had expanded his statement, saying he had handed over the Renault van to a group of police officers led by Ribelli.
7. On July 31, 1996, Galeano charged four Buenos Aires provincial police officers with having participated in the bombing: more specifically, of having acted as a link between Telleldín and third parties to whom they had allegedly handed over the Renault van—presumably the terrorists.
8. In October 1996, the Federal Court of Appeal upheld the charges filed by Galeano against the police officers.
9. In April 1997, a video came to light showing Galeano having a conversation with Telleldín in the judge’s office, where they appear to be discussing aspects of a future statement by the latter. The video was filmed at the beginning of July 1996, before Telleldín declared in the investigation that he had given the van to the police officers.
10. In November 1998, Galeano charged Carlos Telleldín with being a participant in the bombing, on the grounds that he had prepared the van that would later be used as a car bomb, which he subsequently handed over to the former police officers.
11. In June 1999, the lawsuits filed by AMIA, DAIA, the victims’ relatives and the Public Prosecutor’s Office requested that part of the investigation be closed and Telleldín and the former police officers be sent to trial.
12. In February 2000, with the backing of the Federal Court of Appeal, Galeano split the case in two: he closed the pre-trial investigation into Telleldín and the former police officers, sending that part of the case to trial and keeping the main investigation open.
13. In September 2001, the oral trial began. During the proceedings Carlos Telleldín was shown to have received a payment of US \$400,000 in exchange for expanding his statement in which he declared that he had given the Renault van to a group of officers from the Buenos Aires Provincial Police.
14. In March 2003, the then judge, Juan José Galeano, made public a lengthy judicial decision in which he assigned responsibility for the bombing to “radical elements of the Islamic Republic of Iran” and issued international arrest warrants for twelve Iranian officials, including the former ambassador to Argentina, Hadi Soleiman-



pour, the cultural attaché of the embassy of that country, Mohsen Rabbani, the former Minister of Intelligence and Security, Ali Fallahijan, and Hezbollah's head of operations, Imad Mughniyeh.

15. In March 2003, Iran's former ambassador to Argentina at the time of the bombing, Hadi Soleimanpour, was arrested in London—United Kingdom—under the warrant issued by the Argentine judiciary. The UK political authorities decided not to proceed with the extradition—sought by Argentina, as the requesting country—and released Soleimanpour. In light of this episode, coupled with the subsequent removal of Galeano, INTERPOL canceled the Red Notices issued in response to the arrest warrants requested by Galeano in the case.
16. In December 2003, Galeano was removed from the case by decision of the Federal Court of Appeal, on the grounds that he had lost “impartiality”. The “AMIA” case was transferred to the court presided over by the federal judge Rodolfo Canicoba Corral, who in 2005 delegated the pre-trial investigation of the case to the prosecutor Alberto Nisman.<sup>5</sup>
17. In September 2004, Federal Oral Court No. 3 rendered its verdict, which annulled Galeano's investigation in its entirety, thus acquitting all of the accused. It was said at the time that Galeano had concocted a false accusation for the sole purpose of satisfying the demands for justice emanating from society, and from the Jewish community in particular. Within this set-up—according to the ruling—the former Buenos Aires provincial police officers were not just innocent and unconnected to the bombing but had been “falsely and deliberately” accused by the judge and the prosecutors, together with the Secretariat of State Intelligence—SIDE.
18. On October 24, 2004, the Federal Oral Court handed down its judgment—stretching to almost 5,000 pages—which in addition to declaring a mistrial in the case and acquitting the accused, included a large number of criminal charges against the judge, the prosecutors and various officials involved in the case.
19. In December 2004, the unified plaintiff—AMIA, DAIA and victims' relatives—lodged an appeal for the case to be heard by the National Court of Criminal Cassation, the highest judicial authority with criminal jurisdiction beneath the Supreme Court.
20. The then President of Argentina, Néstor Kirchner, signed Presidential Decree 812/05 acknowledging the state's responsibility for failing to solve the “AMIA” case.

5 Nisman acted as prosecutor during the trial and, at the end of it, requested the maximum sentences for the accused. As we will see, the Court acquitted all the defendants, but in spite of this fact, the prosecutor did not appeal against the acquittals. Shortly afterwards, he was appointed General Prosecutor in charge of the investigation into the bombing, heading up the AMIA Prosecution Unit.

21. Galeano was impeached and removed from office for misconduct in the “AMIA” case. Basically, it was proven that had made the payment to Telleldín, along with other irregularities, which would later be judged in what was generically known as the “cover-up” case—AMIA II.
22. In April 2006, the Court of Cassation upheld the ruling of Federal Oral Court No. 3.
23. In May 2006, the unified plaintiff filed an extraordinary federal appeal for the case to be considered by the Supreme Court.
24. In September 2006, the Court of Cassation granted the appeal and the case was passed to the Supreme Court.
25. In October 2006, the prosecutor, Alberto Nisman, along with the then assistant prosecutor, Marcelo Martínez Burgos—soon thereafter removed from the case—issued an indictment in which they attributed responsibility for the bombing to the Government of the Islamic Republic of Iran of the time, and the pro-Iranian Lebanese terrorist organization Hezbollah.  
Accordingly, they asked Judge Canicoba Corral to issue international arrest warrants for the then President of Iran, the Foreign Minister, the Minister of Intelligence, Mohsen Rabbani and three other officials of the Iranian government of the time, and Hezbollah’s head of operations, Imad Mughniyeh.
26. On November 9, 2006, Federal Judge Rodolfo Canicoba Corral, in charge of the case, granted the request filed by the prosecutors and ordered international arrest warrants for nine people accused of being the masterminds of the bombing of July 18, 1994.  
In that regard, the judge validated the hypotheses outlined in the indictment issued by the prosecutor and thus ordered the international arrest of the former Iranian president, Rafsanjani; the former Minister of Information and Security, Ali Fallahijan; the former Foreign Minister of Iran, Ali Akbar Velayati; the commander of the Revolutionary Guards, Mohsen Rezai; the former cultural advisor to the Iranian Embassy in Argentina, Mohsen Rabbani; Iran’s former ambassador to Argentina, Hadi Soleimanpour; the third secretary of the Iranian Embassy in Argentina, Ahmed Reza Asghari; the commander of the Quds Force, Ahmad Vahidi; and the head of Hezbollah’s External Security Organization, Imad Mughniyeh—the latter was reported to have died in a car bombing in Syria in 2008.  
INTERPOL proceeded to issue the aforementioned arrest warrants, which were circulated to all of the organization’s international offices.
27. Judge Canicoba Corral declared judicially for the first time that the attack on the AMIA/DAIA headquarters had been a crime against humanity and was therefore

imprescriptible. This declaration had long been called for by AMIA and DAIA and the victims' relatives, and it certainly constitutes a significant contribution to the judicial process.

28. In March 2007, INTERPOL's Executive Committee decided to grant the request to give the warrants the highest level of alert—a "red notice". Following an appeal by the Iranian authorities, this measure was discussed at the INTERPOL General Assembly, which in November 2007 confirmed the decision of the Executive Committee.

That is to say, the international arrest warrants requested by the Argentine judiciary currently remain in force and with the highest level of priority granted by INTERPOL. These warrants were extended in 2011 by Judge Canicoba Corral, at the request of the then prosecutor, Alberto Nisman.

It should be emphasized that INTERPOL issued "red notices" for just five of the aforementioned arrest warrants, excluding the former Iranian president—Rafsanjani— Iran's former Foreign Minister—Velayati—the former ambassador to Argentina—Soleimanpour—and Hezbollah's former head of operations—Mughniyeh.

29. In mid-2009, at the request of the prosecutor, the judge issued an international arrest warrant—which INTERPOL then endorsed with a "red notice"—for the Colombian citizen of Lebanese origin Samuel Salman El Reda, whom he considered to be one of the key figures in the coordination and implementation of the bombing. It should be noted that the legal representatives of AMIA and DAIA had requested an international arrest warrant for this individual back in 2003.
30. In May 2009, following the extraordinary appeal filed by AMIA, DAIA and the victims' relatives—with exclusive legal representation by the institutions' lawyers—the Supreme Court ruled in the "AMIA" case, annulling the judgment of Federal Oral Court No. 3, in which all the accused had been acquitted. The Supreme Court ruling strongly criticized the judgments rendered by both the Oral Court—where the public oral trial took place over the so-called "local connection" involving Carlos Alberto Telleldín, Juan José Ribelli and three other former Buenos Aires provincial police officers—and the Court of Cassation, overturning the two rulings and ordering that a new pronouncement be issued.
31. Following this ruling, the investigation into Carlos Telleldín and his inner circle was then passed back to the court of first instance, headed at that time by the prosecutor Alberto Nisman. The former police officers, meanwhile, were to be investigated and tried for the ordinary crimes for which they had been tried in parallel to the investigation into the bombing. However, following the Supreme

Court ruling, they were dropped from the investigation; that is to say, they were acquitted of the bombing.

32. In August 2010, at the request of both the Public Prosecutor's Office and AMIA and DAIA, Judge Canicoba Corral again filed charges against Carlos Alberto Telleldín as a necessary participant in the bombing of July 18, 1994. This decision was appealed by Telleldín but later confirmed by the Federal Court of Appeal.
33. Thus, the plaintiffs and the prosecutor's Office have formally requested—article 346 of the Argentine Criminal Procedural Code—that Telleldín again be brought to trial, accused of having participated in the AMIA bombing.  
Nevertheless, AMIA has repeatedly stated the need to deepen the investigation into Telleldín's inner circle and, in particular, what was always referred to as the "local connection", including all the elements involved in the chain of criminal activity that culminated in the bombing.  
Although the Public Prosecutor's Office has repeatedly promised to extend the investigation in the manner described, no progress has yet been observed in this regard. In fact, contrary to the expectations of society as a whole, in the upcoming trial the sole accused will be Telleldín, since to date—at least at the time of writing this report—no evidentiary material has been found that might implicate others in carrying out the bombing.
34. In February 2013, Argentina announced the signing of a Memorandum of Understanding with the Islamic Republic of Iran.
35. On April 4, AMIA and DAIA filed an appeal against the Memorandum requesting that it be declared unconstitutional.
36. In May 2013, Alberto Nisman issued a new indictment further implicating Iran in the bombing and denouncing the Iranian plan to infiltrate various countries in Latin America.
37. In December 2013, Judge Canicoba Corral declared the appeal filed by AMIA-DAIA inadmissible on the grounds that the matter was abstract, since Iran had not yet ratified the agreement, which meant that it was not in force. The institutions appealed against the ruling, and the case passed to Courtroom I of the Federal Criminal and Correctional Court of Appeals.
38. In its resolution of May 15, 2014, Courtroom I of the Federal Criminal and Correctional Court of Appeals upheld the appeal filed by AMIA and DAIA, leaving the Memorandum null and void. That same month the national government appealed against the ruling.
39. On January 14, 2015, the then prosecutor in the case, Alberto Nisman, filed a criminal complaint, in which he accused the president Cristina Fernández de

- Kirchner, the Foreign Minister, Héctor Timerman and other senior officials in the Argentine government and third parties of having orchestrated or collaborated in a criminal conspiracy to provide impunity for the accused Iranian nationals.
40. On March 20, 2015, Judge Daniel E. Rafecas, head of Federal Criminal and Correctional Court No. 3, dismissed the complaint. Following the death of prosecutor Nisman, three new prosecutors were appointed to head the UFI AMIA investigation unit: Sabrina Namer, Roberto Salum and Patricio Sabadini.
  41. In December 2015, the incoming government dropped the appeal filed against the ruling by the Federal Court of Appeal that had declared that Memorandum of Understanding unconstitutional, meaning that the unconstitutionality ruling was final and unappealable.

## AMIA II

1. In 2000, the “AMIA II” case was opened. Initially it was handled by the court presided over by Claudio Bonadío.
2. In 2004, following the ruling handed down by Federal Oral Court No. 3, the investigation underwent a significant change of direction and became the case that investigated those who had been the “investigators” of the bombing: Galeano, Mullen, Barbaccia, Anzorreguy, Beraja, etc. The case was then passed to the court of Ariel Lijo.
3. In September 2006, federal judge Ariel Lijo ordered the prosecution of former judge Juan José Galeano—who was removed from his post in 2005—the former prosecutors, the former head of the SIDE, Hugo Anzorreguy, along with other former officials of that organization, and the former president of DAIA, Ruben Beraja, on the grounds that the payment made to Telleldín of US\$ 400,000 had been a criminal offense.
4. The judge found all the above responsible for the illegal payment made to Telleldín, and the illegal detention of the former police officers who were tried and later acquitted, ordering that they all be prosecuted, along with other former agents of the SIDE. He also ordered the prosecution of Ruben Beraja, on the grounds that he was a secondary participant in the plan that culminated in the payment to Telleldín. These indictments were appealed by the respective defense teams but confirmed by the Court of Appeals. Subsequently, the judge initiated the procedures to send part of the case to trial, in response to which AMIA, as plaintiff, provisionally declared that the investigation should be exhausted, as it was necessary to include other individuals and other events that had also been reported. After a number of delays and interruptions, the Court of Appeal ordered

Judge Lijo to continue with the procedure to close part of the case and send it to trial. AMIA and DAIA presented a request to send the case to trial in regard to just Carlos Telleldín, Ana Boragni, Víctor Stinfale—Telleldín's ex-wife and his former lawyer—Hugo Anzorreguy, Patricio Pfinnen and Juan José Galeano; in the case of the latter, exclusively for the crime of embezzlement and misuse of public funds—the payment to Telleldín.

5. In the framework of this investigation, Judge Lijo then summoned for questioning the former president of Argentina, Carlos Saúl Menem, his brother Munir—now deceased—Hugo Anzorreguy—the former head of the SIDE—Carlos Anchézar—the former undersecretary of that organization—former judge Juan José Galeano and former federal police officers Alberto Palacios and Carlos Castañeda, in relation to an alleged plan to stage a cover-up and not properly investigate Alberto Kanoore Edul, who since July 1994 has been a suspect in the bombing.
6. Subsequently, Judge Lijo issued indictments against the above-named individuals, a measure that was confirmed by the Court of Appeal.
7. In response, AMIA, as plaintiff, requested that they stand trial for these acts. The entire case has now been unified and filed with Federal Oral Court No. 2, which is currently hearing the trial over the aforementioned acts allegedly committed by the defendants cited above.

# Chapter I

## The first judicial decision

*This chapter will recount the main points of the first judicial decision issued by the then Judge Galeano in the “AMIA” case.*

### **Introduction**

In the judicial decision of August 9, 1994, less than a month after the bombing had taken place, the judge heading the case, Juan José Galeano, decided to order the prosecution of Carlos Alberto Telleldín, whom he believed to be responsible for the crime of concealment, among other charges. He also issued national and international arrest warrants for the Iranian citizens Ahmad Allameh Falsafi, Mahvash Monseh Gholamreza, Akbar Parvareh and Abbas Zarrabi Khorasani, whom he believed to be responsible for the attack.

The main points of that judicial decision will be outlined below. It is essential to clarify that, throughout this report, whenever sources of information are provided as footnotes, the source is given as cited in the corresponding document.

### **The facts and location of the bombing**

In the description of events it was stated that the attack carried out on July 18, 1994 at approximately 9:53 am completely demolished the building located at 633 Pasteur Street, the headquarters of AMIA and DAIA, causing the loss of numerous human lives and very significant material damage.

During the first visual inspection conducted at the blast site it was observed that the aforementioned building had collapsed over a distance of about 12 meters from the building line backwards. Its structures were found to be damaged and cracked, with the parquet floors having become detached. In addition, the apartment building situated across the street on the even-number side was completely damaged. It was also mentioned that considerable damage to properties could be seen in the adjacent

blocks, particularly on Pasteur Street on the blocks numbered 400, 500 and 700, with that of the greatest intensity observed at numbers 600-700; and that the greatest peripheral damage at ground level was found at the chamfered corner of Tucumán and Pasteur. The same was found to be the case on Tucumán Street on the blocks numbered 2200 and 2300, and the parallel blocks on Viamonte Street.

The rubble removed was transferred to a site located behind the “Ciudad Universitaria” campus, and the affected vehicles were sent to police station number 5 for examination. It was noted that the attack had been immediately responded to by members of various federal police stations, the Superintendency of Firefighters, the Explosives Brigade, the Civil Defense Department, the Superintendency of Metropolitan Security, medical auxiliaries and doctors from the Emergency Department of the Municipality of the City of Buenos Aires, the utility companies Metrogas, Edenor and Edesur, as well as all those individuals that turned out to help with the rescue. The wounded were treated in different hospitals and clinics in Buenos Aires City, and the corpses and human remains were sent to the Judicial Morgue.

It was added that the then Argentine President and the then Israeli Prime Minister had agreed to dispatch a special rescue force. Israeli and US experts were flown into the country.

With regard to the target of the bomb attack, it was noted that the Argentine Israeli Mutual Association—AMIA—had been operating in Argentina since 1894 as a point of reference for all the local Jewish communities, bringing together schools, religious institutions, cemeteries, charity organizations and the social and sporting bodies from the Israeli community. Also based in the building were Vaad Hajinuj—a Jewish school network in Buenos Aires City and Greater Buenos Aires—a job center and the Federation of Jewish communities from across the country, which also managed all matters related to the social services offered to the Argentine Jewish community. There was also another headquarters at 636 Ayacucho Street.

It was described how the institution’s main activities were concentrated on the first five floors of the building, and that, in addition to the reception offices, social services, burial services, the job center, the Cultural and Scientific Institute, the library and auditorium, it also housed the office of AMIA President Alberto Krupnicoff, and his executives Samuel Maizzel, Manuel Davidovich, Rafael Kuglieskyl, Noé Davidovich, and Hilel Rubinson. His secretary general was Simon Drelevich. Also located in the building was the Board of Directors of the Coordinating Body for the Argentine Jewish Community’s Care-Giving Institutions, which was made up of the Rabbis Mauricio Balter, Sergio Bergman and Ariezh Sztokman, Sara Breigman, Gladys Fysman, Bety Gicovatte, Ramón Gutman, Susana Knoll, Flora Fleiman, Ramón Mizrahi, Linda Rozen,



Saul Rynkiewicz, Ufias Schmoller and Adelaida Wartensleben; along with the Tzedaka Foundation, composed of its president Juan Ofman, its secretary Leon Laniado, its cultural director Ricardo Halac and its vice president David Bromiguer.

For its part, the Delegation of Argentine Israeli Associations—DAIA—which had been established in 1935, constituted the main political representation of the local Jewish community and was home to the political authorities of all the Argentine Jewish communities, acting as it did as their spokesperson before the National Government. Its activities, it was pointed out, were concentrated on the upper floors of the building. The DAIA authorities were: honorary presidents Moisés Goldman and Isaac Goldemberg; the president Rubén Beraja; vice-presidents Mario Feferbaum, Eduardo Goremberg, José Hercnan, Amalia S. de Polak and Luis Steimberg; the Secretary General José Kestelman; the assistant secretaries Leon Arak, Jorge Brostein, Mauricio Terembaum, Luis Comisarenco and Julio Toker; the records secretary Manfredo Lewin; the treasurer Rogelio Cichowoloski; the assistant treasurers Isaac Ryb, Alberto Abulafia, Salomón Jachfe, Rodolfo Jacobi, Enrique Lirman Made and Solomon Lobov; and spokespersons Jorge Brener, Silvia Chab, Ricardo Gordon, Cerina Grinberg, Juan Gurevich and Mario Trumper.

The judge explained that his jurisdiction in the matter was clear on the grounds of article 213 bis of the Criminal Code, article 33, subsection “e” of the Argentine Criminal Procedural Code—CPPN—and Law 23,592.

Reference was also made to the security measures in place in the building located at 633 Pasteur Street. The external security measures, meanwhile, had been entrusted to the Argentine Federal Police since March 17, 1992 on account of the attack against the Israeli Embassy; a police car was stationed outside on surveillance duty 24 hours a day.

It was noted that the building had a ten meter-wide metal gate that was left only partially open, and that in order to gain access to the center, visitors had to pass through a door two meters high and eighty centimeters wide. Before they reached the lobby, their ID would be checked by two security guards, who would inquire as to the reason for their visit then telephone to find out whether the person was expected at the office to which they were heading. If this was confirmed, they would hand over their ID and in exchange would be given an identification card that they were required to wear in a visible location. Once they had reached the desired floor, a new control post would check that they had the card assigned to them and that they were on the right floor. In addition, visitors were monitored at all times through mirrored glass, and before entering any of the offices in the building they had to pass through a metal detector.

## **The investigation**

### ***The first tests carried out***

Firstly, it was stated that on the day of the bombing itself, the Federal Police's Explosives Brigade had reported that the explosive used was likely to be a substance made up of ammonium nitrate and aluminum, known as "ammonal", which had probably been placed inside a Renault Trafic van, since the metallic remains of a door corresponding to that type of vehicle had been found in the vicinity.<sup>6</sup>

It was added that, when questioned, both Corporal Bordon and Sergeant Guzman had reported having taken particular note of the procedure to install a dumpster just a few meters from the entrance to the AMIA center, which occurred several minutes before the explosion. A space had been left between the stationed dumpster and the parked patrol car. However, Sergeant Mario Alberto Sarogoni, assigned to the same duties, explained that it was customary for a truck to arrive on the block in the mornings to deliver goods for the center's buffet, along with dumpsters and a pickup truck belonging to the bakery SACAAAN.<sup>7</sup>

### ***Witness statements relating to the existence of a Renault Trafic van at the site of the bombing***

Mention was made of the statement given by María Nicolasa Romero, who claimed that she had been walking along Pasteur and that when she reached the intersection with Tucumán, which she was intending to cross, she had had to step back onto the sidewalk because a beige-colored Trafic van that was coming along the street and had turned into Pasteur, heading in the direction of Viamonte, had driven very close to the curb.<sup>8</sup> She added that, because of his attitude, she took a good look at the driver and was able to describe both him and the vehicle. Moments later the explosion occurred, although she was not able to link it with the van. Having later heard that the explosion had been caused by a car bomb, she presented herself before the investigators, since she did not remember any another vehicle having passed by.

### ***Preliminary technical expert report***

In its preliminary conclusions, the report asserted that:

- "The vehicle used in the attack was a short wheelbase Renault Trafic T-310, with a right-hand sliding door, fitted with a 1400 cc gasoline engine, bearing engine number 2831467, registration number C-1.498.506, with no side windows, a double rear door and light colored paintwork, apparently white.

6 p.11.

7 See witness statement, pp. 89/90.

8 See. pp. 149/50.

- It was determined that the vehicle approached the AMIA headquarters in the direction of traffic flow along Pasteur Street. When it reached the level of the entrance, it mounted the sidewalk and stationed itself at an angle of approximately 45°, leaving the right side closer to the first column, which was the position from which the reaction of the explosive charge was produced (...).
- It was also determined that the explosive material was located inside the cargo compartment of the van.
- As already mentioned above, the explosive used appeared to have been a mixture of AMMONIUM NITRATE and ALUMINUM, which form an explosive known as 'AMMONAL', with traces of NITROGLYCERIN and HYDROCARBON also having been detected.
- On account the elements under evaluation thus far, the Superintendency of Firefighters offers the following as a hypothesis:  
First of all we may be faced with the presence of either a 'SUICIDE' bomber, who, in the knowledge that they are going to die, triggers the charge instantaneously, or else a 'PATSY', by which is meant an individual who is tricked or deceived into sacrificing their life, on the assumption that they are activating a system that will allow them to remain out of harm's way.
- With regard to the amount of the explosive charge used, so far it has not been possible to determine exactly what that quantity was, since the various necessary tests are still pending (...)"<sup>9</sup>

It was emphasized that this preliminary report produced by the Superintendency of Firefighters was backed up by seizure records; photographs of both the material retained for analysis and the damage caused to the buildings adjacent to the AMIA center; the plans and blueprints provided by the Federal Police Planning Division; various witness statements; and the routine tests carried out up to that time. It was added that the report was also endorsed by the designated staff from the State of Israel and by the investigating agents appointed by the US government, who collaborated in the investigation.

### ***Steps that led to arrests and the identification of the Renault van***

After learning from media reports that a Traffic van might have been used as a car bomb, Elena Schargorodsky, Jorge Carlos Giser and José Antonio Díaz, employees of the Jet Parking lot, located at 952 Azcuénaga Street, came forward to make a statement. The trio reported that on Friday, July 15 at around 6 pm a customer had

9 Federal Court No. 9, 09/08/1994.

arranged to leave a vehicle of that model for a period of five days, and that when informed that the minimum stay was two weeks, the transaction was completed for that length of time. The employees stated that on the following Monday the vehicle was no longer in the parking lot and they had not seen whoever had removed it. Giser handed over the card with the customer's information, which provided the CIPF [identity card issued by the federal police] number 11,509,709, the license plate 408 506, and the name of Carlos Martínez. The three witnesses described the customer, and Díaz added that, given the difficulty encountered by the driver in maneuvering the van, it had been parked by another person who had then left, which had seemed to him suspicious. He did not notice the van being low, as is usually the case when a vehicle is heavily loaded.

On another note, it was mentioned that the Motor Vehicle Theft Division indicated that the engine belonging to a Renault Trafic with serial No. 2831467 recovered from among the rubble of the AMIA building belonged to a vehicle of that make, registration number C-1 498-506, owned by the firm MESSIN SRL. Aaron Daniel Cassin,<sup>10</sup> Roberto Samuel Cassin<sup>11</sup> and Luis Alberto Salinas<sup>12</sup> gave statements on behalf of the company confirming that it had indeed owned the vehicle, but that it had been set alight on March 7, which had been reported to the insurance agent Marcelo Adrián Mariani, and it had been taken away days later after having been bought by the firm "Alejandro Automotores". This was corroborated by Mariani.<sup>13</sup>

It was added that the firm's legal representative, Carlos Arturo Tarella, and one of its employees, Antonio José Quiroga, had claimed to have sold it in that condition to Carlos Alberto "Teccedin", and provided identification data, new photographs<sup>14</sup> and documentation relating to the sale of the vehicle.<sup>15</sup>

It was able to be determined that, at "Carlos" request, in late June or early July Claudio Guillermo Miguel Cotoras had removed the engine from a burned-out Trafic van, which was corroborated by Ana María Boragni<sup>16</sup>—Telleldín's common-law wife—who added that after the engine had been fitted into another body, it was sold to Ramon Martínez, National ID No. 47,372,118,<sup>17</sup> whose address proved to be non-existent.<sup>18</sup>

10 See. p. 223/4.

11 See. p. 222.

12 See. p. 225/6.

13 See. p. 250/1.

14 See. pp. 263/6 and 267.

15 See. p. 276.

16 See. pp. 305/6.

17 pp. 307/311.

18 See. p. 313.

It was mentioned that, under those circumstances, Carlos Alberto Telleldín had been arrested,<sup>19</sup> along with the mechanics Marcelo Fabián Jouce and Ariel Rodolfo Nitzcaner, and that elements from the damaged vehicle had been sequestered. It was added that, under interrogation, Telleldín had acknowledged having installed the engine of the burned-out van into a body of the same make, which he then published for sale in the newspaper “Clarín” and was later acquired by Martínez. The DPOC (Department for the Protection of Constitutional Order) continued its investigations in this regard.

It was added that, at the same time, procedures had been carried out to identify the person who had driven the van into the parking lot.

Witness statements were taken in relation to the existence of Iranians interested in acquiring Traffic vans and any corresponding photographic evidence. Osvaldo Walter Lupardo, who said that he had worked at a car dealership located at 7575 Juan B. Justo Avenue, was shown the photographs obtained by the SIDE in May and November 1993 and when asked if he knew the bearded individual who appeared alongside him in the photo, he responded in the negative. He further stated that he had obviously spoken to that person at the dealership and, although he could not give details of what they had discussed, said that the man had probably gone in to enquire about the price of motor vehicles. For his part, Rubén Eduardo Schnaiderman said he operated a car dealership at 7285 and 7239 Juan B. Justo Avenue and that from the month of January or February of 1993 he had had a Renault Traffic van for sale; with regard to the photographs, he stated that he had obviously been talking to the bearded individual, but he could not remember what topics they had discussed. His son, Fabian Javier, concurred with his father’s remarks. Ricardo Ángel Acuña, the owner of the car dealership by the name of “Ricardo Acuña Automotores” located at 7575 Juan B. Justo Avenue, said that the photographs could possibly have been taken in the month of May, bearing in mind how long his employee Lupardo had worked there. He said that he had had a Traffic van for sale, and that the man with the beard had presumably gone in to enquire about the price of vehicles. Finally, Juan Carlos Arguelles declared that on seeing a photograph published in “Clarín” showing an Iranian by the surname of “Rabbani” who was linked to the crime being investigated, he had remembered that while he was working at “Ombú Automotores”, located at 7501 Juan B Justo Avenue, a person with similar characteristics had been interested in acquiring a Renault Traffic between December 1993 and January 1994. He added that he had spoken to the man in question, who had said he was Iranian and had been in Buenos Aires for a short time, and that the sale had not taken place. When shown file photos No. 5, 6, 7 and 8 he recognized the person he had mentioned.

19 p. 346.

## Events prior to July 18, 1994

After providing a brief overview of the situation in the Middle East centered on the signing of the peace agreements between the Palestine Liberation Organization—PLO—and Israel, and Iranian opposition to that process, the document went on to describe the Hezbollah organization.<sup>20</sup> In this regard, it was stated that, originally, the group's agenda was to install an Islamic republic in Lebanon, for which purpose it had based itself in that country, becoming a mechanism for disseminating Khomeinist ideals throughout the world. However, although initially the theater of operations was confined to Lebanon, it would later spread to other parts of the world and reach Latin America. It was asserted that, by that time, Hezbollah had become one of the most violent anti-Western organizations, but that responsibility for its terrorist acts, including "Islamic Jihad", was claimed under a variety of names to avoid pressure and reprisals.

In particular, information was collected on the group's *Modus Operandi*, which revealed multiple coincidences between the bombing under investigation and those perpetrated against the Israeli Embassy in Buenos Aires in 1992 and against the World Trade Center in New York in 1993, as well as the foiled attack against the Israeli Embassy in Bangkok. The coincidences highlighted were: the use of a medium-sized vehicle as a means of attack, the use of the same type of chemical as an explosive, false identity documentation as a means of preventing the perpetrators from being identified and the fact of having parked the car bomb in a location close to the target.

## Relocation of the court to Venezuela

It was noted that on July 22, 1994, the SIDE had reported having received information relating to the incident from the Venezuelan police: they had interrogated an Iranian, protected by the representative of the United Nations High Commissioner for Refugees, who had indicated that he could provide information of interest.

Furthermore, the court asked the SIDE to provide information concerning Iranian diplomats and couriers who had been in the country, telephone communications carried out, the ideological structure of the Hezbollah organization, its track record, its methods and the similarities between the crime under investigation and other international incidents, along with additional elements of interest. Confidential files were thus received from the Secretariat.

It was recounted that, after meeting with the head of the SIDE to corroborate the information provided, Judge Galeano asked the then President of Argentina, Carlos Saúl Menem, to grant him the means to relocate to the city of Caracas to take a witness statement from Moatamer Manuchehr. The court was then set up in the Argentine Em-

20 See "The historical context" section in Chapter IV.

bassy in Caracas, where the interrogation was conducted through a translator on July 23, 1994 in the presence of the secretary María Susana Spina and the prosecutors Eamon Mullen and José Barabaccia. The witness continued to give evidence on the July 24.

It was specified that photocopies had been obtained from the file put together by the Department of Investigation belonging to the General Sectoral Directorate of Intelligence and Prevention Services under the control of the Venezuelan Interior Ministry, which revealed that Moatamer and his family—carrying false passports—had embarked for Rome on their way to Caracas, with their final destination being Havana, where he presented himself at the Mexican Embassy to apply for a visa that would allow him to reside in the US. While he was waiting for the procedure to be completed, officials from the Iranian embassy had taken him and his family to the diplomatic headquarters in order to transfer him to Caracas, where he was received by diplomats from his country, who handcuffed him, beat him and kept him under surveillance. He then managed to escape with one of his children on July 11, 1994 and obtained protection from the UNHCR. It was stressed that the UNHCR representative had confirmed these events.

Continuing with his account, the judge stated that during the return flight he was informed by the commander of the presidential aircraft that intelligence secretary Hugo Anzorreguy and the head of the Federal Police, Commissioner General Adrian Pelachi, had told him that President Menem was waiting for him at the presidential residence, since they had kept him abreast of the situation. Galeano then added that, given the national and international significance of the incident and the evidence obtained in Caracas, he had proceeded to the residence along with the officials who had accompanied him on the trip, requesting that strict secrecy be maintained by those members of the cabinet with knowledge of the proceedings undertaken.

### **The background to what took place in Caracas**

In relation to the statement given by Manouchehr Moatamer, mention was made of the fact that the attitude displayed by the Iranian Government, represented by its diplomatic delegates in Havana and in Caracas, in holding him and his family against their will was an indication of the danger represented by Manouchehr's defection for the interests of Iran. It was noted that the operation deployed by the Iranian diplomats had endangered diplomatic relations between Iran and Venezuela, to the point that the government of the latter had expelled four officials from the diplomatic headquarters and declared the Ambassador Seyyed Reza Zargarbashi "persona non grata". It was also mentioned that a UN body had substantiated the circumstances reported by Manouchehr, supporting his status as a refugee. This was

also corroborated by the authorities of the Directorate of Intelligence and Prevention Services—DISIP—of Venezuela.

It was recounted that, following the attack on the AMIA / DAIA headquarters, the Venezuelan police authorities guarding Manuchehr had interrogated him, and he had stated that “If Abbas Zarrabi Khorasani, Mahvash Mousef Gholam Reza, Falsafi Ahmad Allameh, and Ashgari Ahmad Reza were in Argentina, they should not be allowed leave the country, because they were no doubt the ones who had participated in the recent attack in Argentina.”<sup>21</sup> In response, the Venezuelan authorities informed the SIDE of his statements and requested that photographs of the Iranian diplomats accredited in Argentina be sent to Caracas. Using these photographs and those of other Iranians a lineup was organized and the refugee recognized the individuals he had named, which demonstrated that Manuchehr had thorough knowledge of the diplomats in question. In view of this fact, the judge asked to take a witness statement before the refugee and his family were transferred to a protection scheme.

His statement in Farsi was translated by an interpreter provided by the Venezuelan authorities, who affirmed that, in his opinion, the witness spoke with complete frankness, and that his level of education and pronunciation corresponded to those of someone selected to hold government office. It was added that, in Buenos Aires, the SIDE had been asked to have an interpreter listen to the cassettes containing the bulk of the witness statement in order to complete it. This was transcribed in a separate record.

As for his background, Moatamer Manuchehr explained that he had worked in “Jihad for Development”, described as a kind of Ministry of Public Works and Services, and that he had then been transferred to the Ershad, the Ministry of Culture and Islamic Guidance, where he worked for four years. He stated that he had been made one of the four delegates who were assistant secretaries to the Minister Dr. Lahijani. He was in charge of interviewing candidates aspiring to join the diplomatic service and getting them to answer a questionnaire put together by the Minister. He also recounted the terrorist training that minors received from the Government. He claimed to have received instruction to fight against Zionism and imperialism, and had attended terrorist camps where he was trained to use weapons and explosives, especially when he had to go abroad.

He would travel abroad in order visit embassies and their employees, and would associate with the ambassador, the members of the embassy and their families to see if they were with Khomeini, that is to say, whether the official was still trustworthy and if he still answered to Hezbollah.

21 Ibid.



When asked about whether he knew of any type of terrorist structure in Argentina, he replied that “in Iran we know of Argentina’s excellent relationship with the United States, just like Chile and Venezuela. That is why the diplomats of those countries must be alert to those relations. He believes that we Argentines should be alert to the activities of the embassy in the country because they are undertaking terrorist activities there (...) that any ambassador has enough money, that he has no money problems. Any embassy has enough money. He does not know how they get it, there are Arabs or Muslims everywhere who help with terrorist acts ...”<sup>22</sup> When asked by the translator if he had knowledge of the attack on the Israeli embassy in March 1992, he said that “in all cases of attacks, someone from the embassy is ordered to carry it out. There are four people who worked inside the Iranian embassy and are those responsible for placing the bomb in the Israeli embassy. At present he does not know where they are (...) He also made this known to a Venezuelan police officer who was acting as his personal guard, since he was a refugee. He wants to clarify that the names that he gave to the officer at the time are: ABBAS ZARRABI KHORASANI, MAHVASH MONSEF GHOLAMREZA, ASGHARI AHMED REZA, and FALSAFI ALLAMEH AHMED. Later, the same police officer showed him approximately twenty photographs. Among them he recognized the four individuals he had named, and learned that they were in Argentina days before the attack on the Israeli Mutual building. That is why he is in no doubt that they also participated that attack. The declarant is then shown the confidential photos received by the court and indicates which are the four people in question. He says that the persons he identified are radical anti-Israel fanatics...”<sup>23</sup> It was added that he had provided references relating to the individuals named, accusing them of belonging to Hezbollah.

In a new lineup of photographs of diplomatic couriers who entered Argentina and members of the Iranian headquarters accredited in Buenos Aires, Manuchehr recognized Akbar Parvaresh as the head of the terrorist group to which he had referred. Mohamad Kermani Zanzanbar he described as an official who was at the embassy because of his religious contacts; and when shown the photograph of Esmā Ashari Seyed Ali, he said he knew him but that he was a person of no importance, who could be sent to a country at the time of an attack to distract the authorities conducting the investigation.

In relation to Parvaresh, he said, “... he began organizing proselytizing activities as an activist, associating with people who were against the Shah, or speaking well of Khomeini ... At the time of the Iranian war against Iraq, he was Khomeini’s deputy

22 Ibid.

23 Ibid.

(...) During the war he became the head of terrorist activity, as the Commander of Hezbollah. In countries that have an affinity with the United States, Iran knows that ... Hezbollah has to be there, they have to enter ... Argentina, Chile, Venezuela. They have all the help that the ambassador requires in those countries ... He points out that Iran and Argentina are considered to have good relations. To the extent that there is an embassy with too many staff, and at the Argentine Consulate in Tehran visas can be easily issued for Iranians, which enables them to enter Argentine territory. This is why, in the event that Iran should decide to organize a terrorist attack in Argentina, there are enough local support staff to decide how to carry it out. The form, the means and the organization of the attacks are the responsibility of the members of Hezbollah at the embassy, who are trained to carry them out... In all cases the order to perpetrate the attack must be received from Iran. In the case of Argentina, people from Hezbollah set the date and organize matters. They do not need to ask again what they have to do, they already know. Any ambassador has a key code and this is how he receives the order... These people are willing to die since they are taught from the outset that it is for the best ... As far as the witness knows, both in Argentina and in this country, Venezuela, the Embassy acted freely and did not fear police activity... He adds that an Iranian Ambassador in those countries has to have fewer personnel, since half of them are for carrying out terrorist activities. He clarifies that it is essential to take into account the number of foreigners (Iranians) living there and the number of diplomats the embassy has. The smaller the staff, the less terrorist activity they can perform. Now they want to carry out an attack in London, about which the declarant has already warned the Venezuelan police ... The attacks took place in Argentina, but are for Israel or for the United States ... (...) Before this attack occurred the declarant knew that it would take place. For ten days, at Iranian New Year (March 21, 1994) a meeting was held which he attended and there the attack was discussed ... That meeting was attended by FALSAFI, SANGHENE, and PARVARESH ... When the declarant was asked about the position he held at the time of attending the aforementioned meeting, he said that he was Secretary to the Minister and went everywhere he did. The minister was not in Tehran... so the declarant had to go and inform him ... When asked if he knows how the explosive material that was used in Argentina was obtained, he says that it is bought there... When asked to state whether he knows members of Hezbollah in Argentina, Brazil and Paraguay, he says that anyone that does not belong to Hezbollah cannot work at the embassy. There are other people who belong to Hezbollah but do not work at the embassy. They are used as support and after an attack are got rid of to prevent them from demanding money or getting out of control. This means that the diplomatic staff are the ones that must be investigated. When asked in what sector of

the embassy the Hezbollah officials can be found, he says that the ambassador and the ambassador's assistants are the ones who are in charge, but like the entire embassy staff they belong to Hezbollah (...) Asked what knowledge he has about ANSAR ALLA, he says that it is the same as Hezbollah. That is also a terrorist group but he does not attribute the attacks in Argentina to them..."<sup>24</sup>

At the end of his statement he asked to add to it a letter with deeply emotional content, which was translated by the interpreter.

The further translation performed in Buenos Aires provided more details on the situation and a number of personal comments made by the witness. With respect to intelligence tasks in western countries he stated that, "most countries perform them and we monitor them all. The same goes for Argentina. They told us to monitor all countries that have a close relationship with the United States. Argentina is one of them..."<sup>25</sup> Regarding possible local assistance in the attack under investigation, he said, "There are Arabs in Argentina. In Venezuela there are many Iranians who could have been hired... We have sent students with scholarships to the United States and other countries, who belong to Hezbollah and are active members of Hezbollah, to universities in those regions."<sup>26</sup>

When asked if those responsible for the attack could have entered Argentina illegally, he replied, "It depends on the country... There in the Argentine embassy, they have more staff than anywhere else. They are friends. Visas are easy to get. They request them at the consulate in Tehran. It is easy to get in. They do not need to enter secretly."<sup>27</sup> When it was put to him whether the embassies are collaborating with Hezbollah, he replied, "Of course ... they hold various meetings in mosques or analyze the matter of where to meet by telephone."<sup>28</sup>

Concerning the dates for carrying out the attack he stated that, "It depends on what is decided in Tehran; that is what we tell them to do. Tehran makes a decision and then we find out who has been assigned the job. Those people in turn hire the local people who will undertake the job. Then, when the embassy closes, they meet at the embassy and decide when and where to carry out their plans, they decide what has to be done and how to carry it out depending on the country and the conditions there. Tehran decides what has to be done and then the people in those locations decide how to operate. The people in charge have full authority, granted by Ayatollah Khomeini and Dr. Velayati."<sup>29</sup>

24 Ibid.

25 Ibid.

26 Ibid.

27 Ibid.

28 Ibid.

29 Ibid.

In relation to Hezbollah, he explained, "We have about ten terrorist camps in Lebanon whose only task is to carry out terrorist attacks and create terror around the world. There are two major terrorist groups in Lebanon, the AMAL movement and Hezbollah, AMAL is with Syria and Hezbollah is with Iran..."<sup>30</sup>

When questioned as to whether he had any additional information regarding the attack on the Israeli embassy in Buenos Aires, he said, "They bribed local people to carry out the job of the bombing. We told them what they had to do, but these four or five people were completely free to obey that order in any way they thought fit."<sup>31</sup> He added that, "The ambassador was in charge. He can do what he wants."<sup>32</sup>

When asked about the reasons why an attack was repeated in Argentina, he replied, "This is your fault, the weakness is on your part. For them, Argentina is the same as Israel and the United States. Our goal is to destroy Israel. Israel has influence here, so Argentina, the United States and Israel are the same for us, and since here there are not too many problems, we attack your facilities here."<sup>33</sup>

When questioned about whether he knew of the AMIA bombing in advance, he said, "Yes...on March 21, New Year for us, they hold an annual meeting at which I was present. As I was planning to leave the country, I wanted to take as much information as possible. I went on the third day of the New Year. The meeting was held in Qom last year, but this year they met in Tehran. It varies from one year to the next... It was at the house of the leader Mr. Khamenei. It is located in SA'DABAD."<sup>34</sup>

As for the route taken by the perpetrators of the bombing, he said, "They may have entered through Chile...they may have left the country with a false identity. They know all this and must cover their tracks."<sup>35</sup>

Finally, in relation to the explosives, he said that they were obtained "on the Argentine market...they choose the type of explosive according to the kind of building they want to blow up. For example, if the building is made of concrete, they know what kind of explosive they need."<sup>36</sup>

### *Verification of the witness statement in Argentina*

Based on the declarations made by Manuchehr, information was requested from the SIDE and the Foreign Ministry regarding the persons identified by the witness.

30 Ibid.

31 Ibid.

32 Ibid.

33 Ibid.

34 Ibid.

35 Ibid.

36 Ibid.

The copy of the payroll for officials of the Iranian diplomatic mission that had been submitted to the Foreign Ministry in April of 1994 revealed that Ahmad Reza Asghari was acting as third secretary, having been accredited as a diplomat in Argentina since July 11, 1991. It was mentioned that he appeared to have been present, or at least should have been, on the date of the two attacks. The same document showed that a person by the surname of Zanganee and whose first name was apparently Gholamreza was serving as second secretary of the commercial division, having been accredited as a diplomat on December 17, 1993. It was clarified that the court did not know whether that was the person the witness had identified as a participant in the meeting of March 21, 1994.

Meanwhile, Ahmad Allameh Falsafi held the position of third secretary of the Iranian Embassy, having received accreditation on July 24, 1992, which was terminated on September 22 of that year, but he had entered the country on January 24, 1992. Abbas Zarrabi Khorasani served as the first secretary of the Iranian Embassy in Argentina from November 7, 1987—the date of accreditation—until June 29, 1993. Both were in Buenos Aires the day of the attack against the Israeli Embassy.

As for Mahvash Monsef Gholamreza, the information available showed that he had arrived in the country on January 21, 1988 from Tehran and had worked at the diplomatic headquarters as an administrative clerk, but it was not known whether he remained in Argentina. It was clarified that he might therefore have been in the country at the time of both attacks.

Akbar Parvaresh was identified as a representative of the Islamic Parliament of Iran. On November 18, 1993 he was granted a diplomatic visa to enter the country for a week, after having expressed his intention to travel to Argentina on an official mission to conduct negotiations and pay a visit to the Cultural Department of Iran in Buenos Aires.

On another front, the SIDE detected an interest on the part of the Imam of the “At-Tauhid” Shi’ite Mosque in Buenos Aires, Mohsen Rabbani, in acquiring a Renault Trafic van in late 1993. Rabbani visited two dealerships, at 7285 and 7575 Juan B. Justo Avenue, where vehicles of that nature were for sale. His presence at the locations was confirmed by photographic evidence and witness statements from employees. The court’s attention was drawn to the fact that in the attack on the AMIA/DAIA headquarters a Renault Trafic had been used as a car bomb; that the FORD F-100 vehicle used in the 1992 bombing had been acquired at a dealership located at 7500 Juan B. Justo Avenue; and that Mohsen Rabbani had been accredited as an Iranian diplomat and therefore protected by diplomatic immunity while acting as the embassy’s Cultural Advisor on March 30, 1994, despite his long presence in the country. It was also

mentioned that Rabbaní's position tied in with the arrangements described by the refugee with regard to the use of mosques.

Furthermore, the Ministry of Foreign Affairs reported that the Iranian Embassy had at least twice as many staff as the Argentine Embassy in Iran. That is to say, recalling the witness's statements, there was no justification for such numbers of personnel given the diplomatic needs of the two countries.

Attention was drawn to the fact that although Iran possessed sufficient technological means of communication, it continued to use diplomatic couriers.<sup>37</sup> There were reports that six diplomatic couriers had been granted visas since May 16, 1994, when the usual frequency of Iranian diplomatic couriers to Argentina was one per month, with more couriers entering between the months of May and June of 1994.

In respect to Seyed Ali Esna Ashari, spotted on the day of the bombing, the witness declared that he knew him and that he was used by the Iranian Government to carry out operations to distract the authorities when an attack occurred.

The witness warned in his statements that there would be an attack in London, which he knew on account of having been present at the meeting where it was planned. On July 26, 1994, a bomb exploded in a car parked in front of an apartment adjacent to the Israeli Embassy in London, causing injuries, damage and the partial collapse of the diplomatic headquarters. At midnight that same day another car bomb exploded, destroying a building that housed several Jewish entities.

### **Local support**

An evaluation was made of the conduct of Carlos Alberto Telleldín, Ariel Nitzcaner and Marcelo Fabián Jouce. It was stated that all those questioned denied any participation in the attack under investigation, but it was emphasized that in his statement Telleldín had contradicted himself on various occasions and in other cases offered no explanation.

By way of example, it was mentioned that when asked to say whether he could provide any explanation as to why none of the people who had advertised similar vehicles that weekend had received offers from the Koreans he mentioned, or from a person with a Central American accent, he replied that it could be due to the low price at which the van had been published. But when asked why, then, they were the only people who showed an interest, he was not able not provide any reason. He also contradicted himself when stating first of all that he had gone to the buyer's home between the 14th or 15th, and then, in another statement, after being questioned about his activities from the 10th to the time of his arrest, not only did he not men-

37 There are two types of diplomatic mail "human couriers" and "bag mail".

tion that visit but was also unable to answer whether he had been to the address before or after the attack.

Telleldín stated that in order to locate the buyer, he had asked the doorman of a building and the caretaker of a garage. However, when DPOC personnel were sent to the area where this alleged Ramón Martínez was supposed to live, all the doormen and garage caretakers in the vicinity denied that Telleldín had been there asking after Martínez or a Trafic van.

Neither had Telleldín's neighbor, his wife and the builder he had named been able to see the transaction described or the person with a Central American accent, nor had they observed the situation mentioned by Telleldín concerning the fact that a Ford Falcon vehicle was parked in front of the Trafic and Telleldín had asked the driver to move it so that the van could get out.

When he was shown numerous photographs, Telleldín found a great similarity between the person with whom he had completed the transaction and Ahmad Reza Asghari.

There were also contradictions in the times of calls between the declarant and the buyer, and in the exchange of information about the directions for the meeting.

In view of the large number of unanswered questions and the contradictions on the part of Telleldín, it was thought to be highly likely that the accused knew much more about the person to whom he had handed over the vehicle than he had declared.

It was concluded that, with the elements gathered so far, none of the declarations made by Telleldín, duly checked by police personnel, had any credible basis.

It was added that the person who figured as Ramón Martínez could not be identified by the ID numbers with which he was supposed to have presented himself, and it was further observed that, as a frequent seller of motor vehicles, Telleldín should have known that no national identity documents had been issued for either Argentine nationals or foreigners with a number sequence beginning with 47 million. This was considered proof that the bill of sale intended to justify the transaction to sell the Trafic van was an invention of Telleldín's.

### **Judicial decision**

The decision was taken to bring charges against Carlos Alberto Telleldín, who was believed to be responsible for the crime of concealment, which ideally was concurrent with the illegal replacement of the engine of an automobile, and materially concurrent with the falsification of a private document; to detain him in custody; and to order the seizure of his assets. The decision was also taken to charge Marcelo Fabián Jouce and Ariel Nitzcaner, who were believed to be criminally responsible for the crime of the illegal replacement of a vehicle engine; to

order the seizure of their assets; to confirm the release of the latter; and to order the provisional release of Jouce.

In addition, national and international arrest warrants were issued for the Iranian citizens Ahmad Allameh Falsafi, Mahvash Monseh Gholamreza, Akbar Parvaresh and Abbas Zarrabi Khorasani.

Finally, it was resolved that the decision was to be submitted as testimony and, on the one hand, sent with photocopies of evidence linked to the investigation carried out by Dr. Ricardo Levene (Junior) in relation to the attack on the Israeli Embassy in Argentina; and, on the other hand, submitted with an official communication to the Supreme Court in order for it to determine its possible jurisdiction in the matter.<sup>38</sup>

38 The Supreme Court did not accept jurisdiction to take over the investigation, and the case thus continued to be headed by Judge Galeano.



# Chapter II

## Investigation into what became known as the “local connection”

*This chapter will describe the facts relating to the so-called “local connection” in the bombing, linked to Carlos Telleldín and the Buenos Aires Provincial Police.*

### Introduction

The criminal investigation was opened on July 18, 1994—the day of the bombing itself. The case was assigned to Federal Criminal and Correctional Court No. 9, headed by Judge Juan José Galeano, since it happened to be on duty that day. Also assigned to the case—for the same reason—was Federal Prosecutor’s Office No. 9, headed by Eamon Mullen and his deputy, José Barbaccia.

Shortly after the investigation was launched, a strong hypothesis emerged that the explosive had been placed inside a white Renault Trafic van, and once the engine was found among the rubble of the building, that was the main lead followed in relation to what was termed the “local connection”, first through Carlos Telleldín—the last known owner of the Renault van—and later through the former Buenos Aires provincial police officers.

For nearly two years, Telleldín was the only person arrested in the case. Although when first questioned in July 1994 he was charged with having participated in the bombing, it was only on November 2, 1998 that the judge made a decision on the matter and ordered his prosecution—in other words, based on the evidence gathered thus far, he considered him to be a “necessary participant” in the bombing.

In October 1995, the judge ordered that a new case be opened to investigate the Buenos Aires Provincial Police, since Telleldín’s contacts with members of that force were impossible to disguise. This led to what was dubbed the “Brigades” case.

Although in his early statements Telleldín said that he had sold the van to someone by the name of Ramón Martínez, he also hinted from the beginning at a number of problems he had had with the Investigation Brigade of Vicente López and that of Lanús.

In July, 1996, Telleldín was to provide a new version of events, which years later was revealed to have been offered in exchange for US\$ 400,000, in which he directly implicated a number of officers of the Buenos Aires Provincial Police—Ribelli and Ibarra from the Lanús Brigade, and Leal and Bareiro from Vicente López—in the dealings with the Renault van that had been in his possession and whose engine had been found among the rubble.

Telleldín was engaged in an illegal activity that consisted in “ringing” stolen cars. That is to say, he would buy wrecked cars that had their papers in order and then install their engines into different—stolen—bodyworks whose serial numbers were then re-engraved to match the papers of the former vehicles.

The police were aware of these operations and on more than one occasion had extorted Telleldín by demanding goods—usually vehicles—and money in exchange for allowing him to continue with his illegal activity. It was in this context of “coercion” that the four policemen were said to have taken the Renault van from Telleldín’s house as payment.

In light of this statement made in early July 1996, coupled with other evidence that the then judge had been gathering since October 1995, arrests were ordered for the Buenos Aires provincial police officers, who were charged with being participants in the bombing. These prosecutions were later confirmed by the Federal Court of Appeal. In early 2000, the presiding judge decided to split the investigation into two: that is, to close the part of the pre-trial investigation into those individuals who had already had a final indictment brought against them—Telleldín and the four former police officers—and continue with the rest of the investigation.

In the committal for trial, charges were brought against Telleldín, Ribelli, Ibarra, Bareiro and Leal as necessary participants in the bombing. Also included in the committal for trial was the conduct of seventeen others individuals who were charged with various crimes not directly linked to the attack but—in the opinion of the investigating magistrate—connected with it in some way.

These were mainly police officers—from the Lanús and Vicente López Brigades—who were accused of extortion and illegal deprivation of liberty—along with related crimes— against Carlos Alberto Telleldín and people in his intimate circle. Another group of accused was made up of individuals in Telleldín’s intimate circle who in one way or another had participated in the “car ringing”.

We have included here the request for the case to be brought to trial presented by AMIA in June 1999, as it contains a description of the events and individuals that would later be tried, along with the committal for trial order issued by the former judge in February 2000, since it marked the closure of part of the pre-trial investigation and the move to trial of that segment of the case.

# Chapter III

## The oral trial (2001-2004)

*This chapter will recount some of what took place and was proven at the trial that began in September 2001, during which the main accused were Carlos Alberto Telleldín, Juan José Ribelli, Anastasio Irineo Leal, Raúl Edilio Ibarra and Mario Norberto Bareiro.*

### Introduction

#### *The trial*

Just over a year and a half after the then judge Juan José Galeano closed one part of the preliminary investigation and sent it to trial, Federal Oral Court No. 3 began the oral debate—referenced as case number 487. Prior to this, all the parties had completed the formalities that precede the debate, which include in particular offering evidence for the trial and requesting the production of “additional” evidence.

On September 24, 2001 the oral and public debate was formally opened. The main defendants accused of having been necessary participants in the bombing were Carlos Alberto Telleldín, Juan José Ribelli, Anastasio Irineo Leal, Raúl Edilio Ibarra and Mario Norberto Bareiro—the last four, former Buenos Aires provincial police officers—in accordance with the charges that had been determined during the investigation stage, and which have already been duly summarized in this report.

By order of the Oral Court, AMIA, DAIA and the Group of Relatives and Friends of the Victims of the Bombing acted in a unified manner and were initially represented by the lawyers Marta Nercellas, Juan José Avila, Julio Federick, Ana Sverdllick, Carolina Fernández Blanco, Mariano Fridman, Miguel Bronfman and Mariano Pincirolí. The Oral Court was composed of judges Miguel Guillermo Pons, Gerardo Felipe Larrembebere and Guillermo Andrés Gordo. The other parties involved in the trial were: the Public Prosecutor’s Office, represented initially by Miguel Ángel Romero,

Alberto Nisman, Eamon Mullen and José Barbaccia; Memoria Activa, represented initially by Alberto Zuppi and Paul Jacoby; and the defense lawyers—both public and private—of the nineteen defendants, the five accused of directly participating in the bombing and fourteen others—former policemen and civilians—accused of offenses indirectly related to the bombing, which were discovered during the investigation into the activities of Telleldín and the former police officers, such as criminal association, unlawful deprivation of liberty, extortion, car ringing, etc.

The trial lasted for more than three years and ended in October 2004, after having heard testimony from about twelve hundred witnesses. The result, now known to all, was the total annulment by the Court of the investigation carried out by former judge Galeano, and the acquittal of all the defendants, both those accused of the bombing and those accused of other crimes—generally referred to as “ordinary crimes” for the sake of differentiation.

The sentence pronounced by the Court was almost five thousand pages long, which makes it extremely difficult to include a summarized version in this report. Therefore, by way of exception, in place of the judgment we offer an outline of both the trial and the conclusions reached by the court. What is included here in full is the verdict handed down by the Court, as well as a press release issued by the court itself on the day the verdict was announced.

### *The position taken by AMIA and DAIA at the trial.*

Once the trial had begun, AMIA-DAIA and the Group of Relatives understood that the way they could best serve Truth was to commit to and defend *one* truth: not just any truth or a fanciful truth but the one that, despite many difficulties—both real and provoked—had gradually come to light over seven years of pre-trial investigation, and had been validated as such by all the judicial authorities that had acted in the case thus far.

The hypothesis that the unified plaintiff considered to be true and sought to prove at the trial stated that a perverse agreement existed between sectors of the Buenos Aires Provincial Police—ensconced in privileged positions—and a petty criminal with a record of pimping, fencing stolen goods, counterfeiting and ringing stolen vehicles, by the name of Carlos Alberto Telleldín.

This individual not only supplied the vehicle that exploded at the AMIA center, but did so in such a way as to hinder the clarification of what had occurred from the very beginning of the investigation. So although he usually assembled one ringed vehicle, in this case, in order to confuse the investigators from the outset, he actually assembled at least two Renault Trafics, thereby creating a maze of versions and confu-

sions concerning where and by whom these vans had been assembled, to such a point that, as we shall see, not even at the trial could it be ascertained which bodywork was used to assemble the van that ended up being employed as a car bomb.

What was able to be proved at the trial, on the other hand, was that one of the vehicles assembled by Telleldín was used as a car bomb on July 18, 1994, a fact that is irrefutable at this point thanks to the testimonies and forensic analyses relating to the discovery of the van's engine among the rubble of the building.

However, the assembly of multiple vehicles and the consequent confusion—which Telleldín still refuses to clarify, and which was intentionally planted along the way over the years—together with other revealing clues that emerged at the hearings, singled him out and continue to single him out as an accomplice in the bombing, and not merely as a victim of the extortion he was subjected to by the former Buenos Aires provincial police officers. If the van was simply taken from him by force, why did he persist from the first day of his arrest in confusing the investigators with lies and false alibis?

The oral debate left no doubt at all about either the mechanics of the bombing—one of the Renault vans assembled by Telleldín—or the explosive used—a mixture of fertilizer and other readily available components, transformed into a deadly weapon by an activator—or about the place where the explosion occurred, the entrance at 633 Pasteur Street, a little to the right of center.

The rivers of ink that were spilled maintaining that the explosives had been inside the AMIA center, or in the dumpster, or on adjoining properties, etc., along with the various rationalizing fantasies—which included the explosives being brought in inside bags of building materials—and their implications—which went as far as to suggest as a hypothesis that the remains of the Renault van had been “scattered” from helicopters—were exposed for what they always were: no more than fevered speculation designed to achieve ephemeral journalistic notoriety, sell books, or divert the investigation, since each of these alternative hypotheses—intentionally or otherwise—cleared the former police officers and Telleldín of involvement in the bombing. Despite the strength of the evidence presented, and the fact that it was demonstrated, in detail, at the trial how the bombing took place, astonishingly, there are still those who try to say that the Renault Trafic van did not exist and that the attack was not carried out with a car bomb.

During the trial the judges adopted an extremely critical attitude toward all of the conclusions that had been reached in the first part of the investigation. They thus decide to reproduce every last bit of evidence gathered and to subject to examination even the most insignificant matters. Furthermore, the parties were allowed to question witnesses in as much detail as they wished, even on issues that had nothing to do with the main focus of the trial or the accused. This led to the most extraordinary situations. Here are just a few examples:

- At times, it felt as though it had to be proved that the building had indeed collapsed, since it appeared that even that fact was placed in doubt.
- Since at one point the defense lawyers tried to introduce the theory that the explosives had been inside the building, more than one survivor of the bombing who testified at the trial had the feeling that, in addition to having been a victim, they had to demonstrate and maintain the innocence of AMIA and/or DAIA, by explaining that it was not possible for the explosives to have been inside the building due to the security controls at the entrance: here were the victims themselves having to explain that they had had nothing to do with the bombing.
- On the day of the bombing, an internal audit was due to be conducted in the AMIA center, because it was suspected that disloyal employees were diverting sums of money for their personal benefit. On this basis, many employees of the institution—survivors of the massacre—were forced to explain insignificant details relating to this situation, and more than one was questioned about it vehemently. Here too the impression was that a relationship was being sought between the audit and the bombing: once again the victims having to explain their innocence.

Although it was not the judges that posed these questions, they were the ones who allowed them to be asked, when it was obvious that it had nothing to do with the alleged responsibility of Telleldín and the police officers. At the time, the lawyers for the plaintiff of AMIA, DAIA and the relatives of the victims expressed their disagreement with these lines of questioning, adding that although they would not formally object, they hoped to be given the same leeway when it came to matters relating to the accused. Unfortunately, this was not so. That leeway granted initially by the judges later resulted in a complete distortion of the trial's objective.

Just as they had examined whether AMIA might have been in some way responsible for a lack of security controls during the entry of construction materials, they later began to scrutinize how the investigation had been carried out by the Investigating Court, thus losing sight of the fact that the aim of the trial was to determine the involvement of the accused. This fault-finding approach came to a head when the Court summoned all the officials of the Investigating Court in order to question them about the manner in which they had carried out the investigation.

Moreover, and most seriously, the judges lost their impartiality and their adherence to the rules of procedure, since they questioned all the officials high-handedly and without respecting the guarantees that witnesses must receive when testifying, this is to say, the privilege against self-incrimination.

So it was that one of Judge Galeano's secretaries was cross-examined for over eighteen hours—from 10 am one day until 6 am the next—almost without interruption, and ended up being detained for perjury. The following day a new court acquitted the secretary, harshly criticizing the way the Oral Court judges had questioned him, which had violated all the rights enjoyed by witnesses when testifying under oath.

One fundamental issue must be made perfectly clear here: neither AMIA nor DAIA claimed at any point that the irregularities or possible crimes committed during the investigation should be overlooked or ignored. On the contrary, both AMIA and DAIA have filed countless complaints over the years that have led to various criminal cases being opened. Their intention, however, was that a distinction should be made: if irregularities had been committed, they should be investigated, but in another forum. What was supposed to be investigated at this trial was whatever responsibility the accused might have had, and nothing else. If any anomalies were detected during the course that investigation, these had to be reported, but without forcing the aim of the trial to change.

Unfortunately, following the interrogations of the Investigating Court's staff it became clear that what mattered most to the judges was determining how badly the investigation had been handled, and how badly the man heading it, former judge Galeano, had performed, while completely forgetting about everything related to the former police officers.

This impression is compounded—and I use the word “impression” deliberately since this is a strictly personal view, and there are no doubt other people who with good reason may argue the opposite—by the fact that all the police officers who gave evidence at the trial—many of them linked to the accused former police officers or the investigation that led to their arrest—were barely cross-examined by the judges.

One of the clearest examples came during the testimony of a former commissioner of the Buenos Aires Provincial Police who was involved at one point in the investigation and was later removed at the request of Judge Galeano on the suspicion that he had laid a false trail to benefit Ribelli—with whom, it later transpired, he had been partners in the force. This individual, former commissioner Salguero, who had introduced the “carapintadas” into the investigation, was asked no questions at all by any of the judges, and when the prosecutor and the AMIA's lawyers sought to confront him with certain documents in the judicial file that proved compromising for him, the judges directly protected Salguero by overruling the questions put to him.

In short: the employees of the AMIA center, victims of the massacre, were asked about totally inconsequential and irrelevant matters, with several of them being subjected to extremely painful and unpleasant situations, while, to mention another ex-



ample, the man who had been the immediate boss of Juan José Ribelli was not asked a single question.

The lack of interest on the part of the judges regarding anything that might have to do with the former police officers was more than evident. Moreover, after the first year of the trial, which was devoted to proving how the explosion had occurred, the main focus of the judges was directed toward former judge Galeano and his closest collaborators, always with a view to finding any mistakes they might have made or any irregularities they might have committed—and which undoubtedly did exist. Similarly, that interest in seeking out and finding “shady elements” in the case also extended to the prosecutors as well as AMIA and DAIA. It is no coincidence that the two most well-known representatives of those institutions in the case during the early years, Rubén Beraja and Luis Dobniewski, should have been summoned as witnesses and severely questioned for several hours.

It was rather striking, and a sign of what would happen later, that these men should have been cross-examined, while various senior officers in the Buenos Aires Provincial Police—many of them still in service at that time—were not asked a single question.

In sum, and to put it even more clearly, the main objective of this trial was completely distorted, to such an extent that by the end nobody was talking about Telleldín and Ribelli, but instead about Galeano, his secretaries, the prosecutors and, on more than one occasion, the plaintiffs.

All the former police officers set out to do was attack the investigators—and the plaintiffs—and since they found a favorable reception from the judges, they managed to turn this trial, which was about establishing whether the Renault Trafic van had passed through their hands, into the trial of Galeano. The trial became the trial over the investigation, not the accused. Once the judges had formed their opinion, once they had proved that Telleldín had been paid, they set out to destroy the entire investigation, irrespective of whether Telleldín had been paid to lie or had been paid to tell the truth—as maintained by AMIA and DAIA and the Public Prosecutor’s Office, led at the trial by prosecutor Nisman, and as Telleldín himself said when he was asked whether he had lied or told the truth in his statement of July 1996, subsequent to the payment.

In this context, after almost three hundred and fifty days of hearings and over twelve hundred witnesses, the trial over the so-called “local connection”—necessary participants and related crimes—concluded on September 2, 2004, with the declaration annulling all the actions undertaken since the beginning of the “Brigades” case—October 1995.

### *The judgment*

The judges of the Oral Court decided that the charges filed against the police officers in connection with the bombing were the result of a hypothesis concocted deliberately and in full knowledge of its falsity by Judge Galeano, who had received the support and collaboration of numerous officials throughout the investigation. That fabrication reached an extreme, in the judges' view, with the statement made by Tel-leldín in exchange for a payment of US\$400,000, a sum provided by the Secretariat of State Intelligence at the request of the judge.

The conclusion reached by the court was a complete annulment of everything that had been undertaken since the beginning of the Brigades case, which was extended to the case as a whole and thus resulted in the acquittal of all the accused.

The judgment determined the point from which, in the opinion of the court, Galeano had deviated from seeking the actual truth and engaged in conduct contrary to the legal order (according to the court, extortion of witnesses, manipulation of witnesses, the illegal deprivation of liberty of the former policemen, concealment, misuse of public funds, etc.). The judges considered that this departure from the truth had also been aided by various agencies of the three branches of government, which provided political support or directly covered up illegal or irregular activities by the magistrate.

In addition to the acquittals, the judges ordered an investigation into the conduct of various officials of the three branches of government: former judge Galeano and former prosecutors Eamon Mullen and José Barbaccia; the federal judges Gabriel Cavallo and Norberto Oyarbide; Carlos Corach and Hugo Anzorreguy; SIDE officials; members of the Bicameral Commission to oversee the investigation into the bombings, composed of members of Congress and the Senate—with the exception of Cristina Fernández de Kirchner, a one time a member of that Commission, but by the time of the judgment the wife of President Néstor Kirchner.

“Galeano’s conduct was aided by the action or omission of various agencies of the three branches of government, which provided political support and/or a cover-up for his irregular and illegal activities,” said Judges Gerardo Larrambeberé, Miguel Pons and Guillermo Gordo, who added: “It was established that the intention was to satisfy shady interests of unscrupulous governing officials.”

This was announced by the judges in a press release prior to the delivery of the judgment, in which they also stated that, “The evidence produced in the debate revealed a substantial violation of the rules of due process and legal defense, since it demonstrated the lack of impartiality on the part of the investigating judge (Juan José Galeano)”.

“It was also sufficiently established that the interrogation of Carlos Alberto Telleldín of July 5, 1996, in which he implicated his fellow accused in the bombing and for which he received the sum of 400,000 US dollars or pesos, was the culmination of an irregular activity by the state aimed at obtaining a perpetrator, irrespective of what actually happened.”

Despite the annulment decreed, it was concluded that Telleldín “handed over the (Renault Trafic) van to a person whose identity could not be established, without there being any evidence that he knew the use to which it would be put.” As for the other defendants, it was not demonstrated in any way that the Renault Trafic van used as a car bomb had passed through their hands on July 10, 1994 or on any other occasion.

“It was able to be established, based on the numerous irregularities demonstrated, that the investigating judge oriented his actions toward ‘constructing an incriminating hypothesis,’ in an effort to address the logical demands of society, as well as to satisfy shady interests of the governing officials.”

Following the trial. The path to the Supreme Court. A retrial for Telleldín

In their submissions prior to sentencing, both the Public Prosecutor’s Office and the unified plaintiff “AMIA, DAIA and the Group of Relatives” had accused Carlos Alberto Telleldín and four former Buenos Aires provincial police officers of being participants in the bombing. Memoria Activa, however, had only filed an accusation against Carlos Alberto Telleldín.

Therefore, once the judgment of Federal Oral Court No. 3 had been announced, AMIA, DAIA and the Group of Relatives appealed against the five acquittals of those accused of involvement in the bombing, while the Public Prosecutor appealed only against the decision to acquit those accused of committing related crimes and did not challenge the decision regarding the acquittals associated with the attack. In contrast, Memoria Activa filed no appeals at all despite the acquittal of Carlos Alberto Telleldín, for whom they had requested a life sentence.

So, after a trial lasting over three years, the Oral Court issued its verdict—the total annulment of the case and the acquittal of all the accused—on September 2, 2004, accompanied by the aforementioned press release, which is reproduced in full further on in this report. On October 29, 2004, the Court announced the judgment, that is to say, the basis for the verdict, for the decision taken. The judgment was over 4,800 pages in length, and in order for it to be rendered so long after the verdict, a special law was passed authorizing the period of time between verdict and judgment stipulated in the Criminal Procedural Code—five days—to be extended in complex cases. However, when AMIA and DAIA requested from the Court an extraordinary extension to

file the appeal, by virtue precisely of the extension of the judgment, the Court rejected the request in a split ruling, and the unified plaintiff had to lodge the appeal against that judgment, issued after a trial lasting over three years, within the usual time period provided for in the procedural code, that is to say, ten days.

Once the appeal had been filed—the appeal is lodged with the court that that handed down the judgment, which decides whether to grant or reject it—the Oral Court rejected the appeal. Given the seriousness and institutional implications of the case, the most logical and likely thing would have been for the court to grant the appeal directly and send the case to the Court of Cassation for review. However, in a final act of arrogance, the judges blocked that possibility, alleging formal defects in the appeal filed by the institutions that had suffered the bombing.

This meant that a remedy of complaint had to be filed. That is, it was necessary to resort directly to the Court of Cassation to analyze whether the appeal had been correctly rejected or not.

The Court of Cassation found for the plaintiff and declared that the appeal had been “wrongly rejected”, thus opening the way for a review by that Court.

Meanwhile, in March 2005, the National Executive issued Decree 812/05, in which it acknowledged the responsibility of the national government for failing to prevent and then solve the AMIA bombing. The interesting thing is that this decree was based on the judgment of the Oral Court, which strictly speaking, as we have seen, was not yet final.

In the first half of 2006, following a hearing with all the parties, the Court of Cassation confirmed, on all points, the acquittal by Federal Oral Court No. 3.

In response to that decision, within ten days AMIA-DAIA and the Group of Relatives filed an extraordinary federal appeal for the case to be reviewed by the Supreme Court.

This then led to the High Court ruling of May 29, 2009, which is transcribed in part further on in this chapter.

Basically, the Supreme Court upheld the annulment decreed in regard to the “Brigades” case, owing to the irregularities committed from that point on by the investigating judge, but stated that, as contended by the unified plaintiff, it was an arbitrary act to extend the effects of that annulment back in time—in the investigation—and also annul the investigation prior to the creation of the “Brigades” case, which was mainly but not exclusively related to Telledín.

The Supreme Court thus annulled the judgment of Federal Oral Court No. 3 on the grounds that it was arbitrary and lacked any basis in this respect. As a result of that, and of a new intervention by the Court of Cassation, which defined the scope

of the Oral Court's ruling, the investigation was thus reopened into the former police officers for the ordinary crimes for which they had stood trial—which is not the subject of this report—and, most importantly, the case concerning the bombing was also reopened against Telleldín, which is currently waiting to be reheard by Federal Oral Court No. 3—with a new panel of judges.

Lastly, it remains to be said is that the judgment handed down by Federal Oral Court No. 3 and the allegations of irregularities in the investigation contained therein—despite the subsequent annulment issued by the Supreme Court—are what later gave rise to the so-called “AMIA II” or the “cover-up” case, in which the accused include the former judge and prosecutors, former President Menem and former Secretary of Intelligence Anzorreguy.

## **Established facts: Materiality of the bombing. The explosion. The car bomb**

### *Introduction*

The judgment of Federal Oral Court No. 3 of October 2004 describes the materiality of the bombing that took place on July 18, 1994. In particular, this section will summarize the contents of chapters 5, 6 and 7 of the judgment. The first of these covered what had been proven in relation to how the bombing occurred, the institutions affected, the list of deceased and injured, the damage to property, the preliminary findings at the scene, the conclusions about the detonation and the explosive charge, among other elements. Chapter six dealt with the investigation into the Trafic van used as a car bomb, based on the discovery of an engine among the rubble, and its links with Carlos Alberto Telleldín. Finally, chapter seven recounted the information that emerged concerning a Trafic van parked in the vicinity of the AMIA/DAIA headquarters several days before the attack.

By way of introduction, it is useful to cite the court's words concerning what was proven in relation to the bombing: “The evidence produced during the oral debate, in addition to that incorporated in accordance with articles 391 and 392 of the Argentine Criminal Procedural Code, clearly established that on July 18, 1994, at approximately 9.53 am, a Renault Trafic vehicle, driven by one or more persons whose identities are so far unknown, approached the entrance of the building at 633 Pasteur Street in the city of Buenos Aires, which housed the headquarters of the Argentine Israeli Mutual Association (AMIA) and the Delegation of Argentine Israeli Associations (DAIA), as well as other institutions, and, after mounting the sidewalk, detonated the explosive charge it carried inside, estimated to be equivalent to between 300 and 400 kg of TNT, causing an explosion that resulted in the collapse of the front section of the

building and damage of various kinds to the neighboring properties within a radius of approximately two hundred meters, and consequently, the death of eighty-five persons along with injuries of varying magnitude suffered by at least one hundred and fifty-one individuals. Vehicles parked on that block were also damaged.”<sup>39</sup>

### *The bombing*

#### AMIA and DAIA

The Argentine Israeli Mutual Association was described as having been founded on April 26, 1990 under the name “Cebra Kedescha Aschkenazi” and according to its statute its objective was “... to serve as a link between Jews in the city of Buenos Aires and Greater Buenos Aires, by undertaking the following activities: providing constructive assistance and subsidies in the event of death; funding charitable, cultural, educational and religious entities and works that pursue noble aims; supporting any constructive action for the benefit of Israel and all other activities for the common good; promoting the dissemination of Jewish and general culture, organizing lectures, courses, auditions, etc.; producing and/or sponsoring publications of all kinds; advocating for increased spiritual and cultural exchange between the Argentine Republic and Israel; promoting Jewish education among associates and the Jewish community in general through the subsidization of Israeli schools and the maintenance and support of institutes and seminaries; founding educational organizations in collaboration with subsidized schools; offering arbitration assistance to partners in order to resolve conflicts between them and providing their members and members of their families with whatever ritual assistance may be required and, in the event of death, a burial place in the association’s cemeteries, in accordance with the traditional prescriptions of the Jewish rite.”<sup>40</sup>

It was added that this was an apolitical institution and that, in order to fulfill its aims, the center housed a job bank, a welfare office, a culture department and an undertaker’s office.<sup>41</sup>

For its part, the Delegation of Argentine Israeli Associations was declared to have been set up in 1935 to represent the country’s Jewish institutions before the public authorities as well as public and/or private international institutions, both domestic and foreign. It operated on the 5th floor of 633 Pasteur Street and on the 7th floor

39 Judgment of Federal Oral Court n° 3, Chapter V.

40 Statutes attached on pp. 1255/1270.

41 See the statements of the directors and employees Ramón Máximo Gutmann, Ana Maria Blugerman de Czyzewski, Abel Darío Drelevich, Marta Ruth Erczmán, Raquel Fainstein, Hugo Leandro Fryszberg, Adrián Pablo Furman, Luis Sergio Grynwald, Mónica Gurevich, Mario Néstor Liberman, Luisa Miednik, Irene Rosa Perelman, Jorge Berenblum, Daniel Alejandro Pomerantz, Miguel Leonardo Rausch, Eduardo Marcelo Redensky, Daniel Reiseman, Héctor Rosenblat, Miguel Rafael Salem, Mirra Regina Satz, Tamara Scher, Natalio David Sluzky and Dora Wajs.

of the building located at 611 Pasteur Street, adjacent to the first, whose offices were connected by a communicating door.<sup>42</sup>

With regard to the security measures in place at the time of the attack against the building, the testimony received from the directors and employees at the trial revealed that the institution's security staff comprised six employees who were stationed in the entrance hall of the building, checked the ID of all visitors and searched their belongings, as well as inspecting the materials destined for the renovation work that was being carried out at the time.

It was described how the visitor controls consisted in enquiring as to the reason for the person's visit, corroborating that information in certain cases with the employee assigned to deal with them, and asking them to hand over their identity document in exchange for an identification card. Once the process was completed, visitors would sign a receipt, which they would later present along with the aforementioned access card in order to retrieve their ID. These procedures were corroborated by Ramon Pared, the only security employee to survive the catastrophe. On the other hand, according to Pared, the inspection of the materials that entered the building was overseen by Ricardo Said, who perforated each of the bags using a manual metal detector. He also stressed that the personnel involved in the renovation work underwent detailed checks and their entry was recorded on a control sheet.

Similar statements were made by the witnesses Sluzky, Beremblum, Blugerman of Czyzewski, Salem, Fainstein, Fryszberg, Furman, Gurevicz, Liberman, Perelman and Rausch, as well as the builders Julio Barriga Loaiza and Policarpio Cruz Loayza; the plumber José Ernesto Millán; the cleaners of the DAIA, Eduardo Enrique Zabala, Cristian Enrique Alberto Broin and Norma Gladis Mansilla; María Beatriz Rivera Méndez, a waitress from a nearby bar; the carpenter from the firm "Ofice S.A.," Martín José Viudez; the electrician Daniel Eduardo Joffe; the employees of the firm "Mazzota", which supplied building materials, Horacio Ismael Irigoitia and Jorge Osvaldo Mascarucci; the neighbors Jorge Mario Savransky, Luisa Azserzon de Jurberg, Esther Jurberg, Amelia Emilia Rivera; AMIA's architect Claudio Alejandro Weicman; and the waiter Gustavo Martín Cano.

Moreover, according to the testimony of the police officers in charge of guarding the building, following the attack of March 17, 1992 against the Israeli Embassy in Buenos Aires, a 24-hour surveillance service had been set up manned by officers from the 5th and 7th district police stations to guard the block where the AMIA center operated.<sup>43</sup> The police officers were provided with a patrol car from the 7th

42 See testimonies of the press employees Alejandro Saúl Mirochnik and Abraham Sokolowicz and of the waiter Bernardo Rojman, among others.

43 See also records on pp. 36,822/36,826.

district police station and their custodial duties consisted mainly of the surveillance and prevention of suspicious behavior in the vicinity the building, such as taking photographs, carrying out observations or filming. Parking was also prohibited on the entire block numbered 600 to 700 Pasteur Street and, as far as possible, private cars and suppliers from local businesses were prevented from stopping in the vicinity of the AMIA building. In addition, the inspection of materials for the renovation work and of the dumpsters that were located in front of the entrance was also carried out by the center's surveillance personnel and, according to the various declarations by the police officers, there was no coordination between the external security, provided by the Federal Police, and the building's internal security operations.

The demarcation between the jurisdictions of the 5th and 7th district police stations was Pasteur Street itself, which was why the patrol car driver belonged to the 7th district police station while the officer in charge of the vehicle was from the other station. Because the police guard was in place 24 hours a day, 365 days a year, the policemen rotated in six-hour shifts, thereby ensuring the presence of two officers per shift.

It was also mentioned that there was a control and supervision service carried out by the officer on external service duty from both police stations, meaning that one of them had to go there to check the "post", fill out the corresponding forms and, where necessary, record any irregularities that may have been observed.

This was reported in court by officers Jorge Eduardo Bordón and Adolfo Guido Guzman, who were on guard duty on the day of the attack, and by the other police officers who carried out the same tasks on previous days.

It was added that the testimony provided by those assigned to this service revealed that, at least from Friday 15 to the following Monday morning, the patrol car stationed on Pasteur Street was not operational since its battery was flat and it was thus only equipped with a handheld communication device —walkie talkie—provided by the center's internal security guards.

The above account was provided by the aforementioned Bordón, Guzmán, Salvia, Bargas, Lete, Pereyra, Lento, Olivera, Crupi, Ortiz, Araujo, Luna, Chamorro and Zalazar, as well as several neighbors of the building—Ruben Samuel Chejfec, Gabriel Alberto Villalba, Mirta Regina Satz and Efraim Alejandro Levy—who recalled that the patrol car was always in the same place. Villalba and Chejfec stated that, in their opinion, the vehicle served as a sentry box that provided shelter for the police officers.

#### The dead and injured

A list was provided of those individuals found dead at the scene: Silvana Sandra Alguea de Rodríguez, Jorge Lucio Antúnez, Moisés Gabriel Arazi, Carlos Avendaño



Bobadilla, Yanina Muriel Averbuch, Naum Band, David Barriga Loaiza, Hugo Norberto Basiglio, Rebeca Violeta Behar de Jurín, Emilia Graciela Toer, Fabio Enrique Bermúdez, Emiliano Gastón Brikman, Víctor Gabriel Buttini, Viviana Adela Casabe, Paola Sara Czyzewski, Diego Ricardo De Pirro, Cristian Adrián Degtiar, Ramón Nolberto Díaz, Norberto Ariel Dubín, Faiwel Dyjament, Aída Mónica Feldman de Goldfeler, Martín Antonio Figueroa, Ingrid Elizabeth Finkelchtein, Fabián Marcelo Furman, Guillermo Benigno Galarraga, Edwin Yonny García Tenorio, José Enrique Ginsberg, Cynthia Verónica Goldenberg, Andrea Judith Guterman, Leonor Amalia Gutman de Finkelchtein, Silvia Leonor Hersalis, Carlos Isaac Hilu, Emilia Jakubiec de Lewczuk, María Luisa Jaworski, María Lourdes Jesús, Analía Verónica Josch, Carla Andrea Josch, Elena Sofía Kastika, Esther Raquel Klin de Fail, Berta Kozuk de Losz, Luis Fernando Kupchik, Agustín Diego Lew, Andrés Gustavo Malamud, Gregorio Melman, Ileana Sara Mercovich, Naón Bernardo Mirochnik, Mónica Graciela Nudel, Elías Alberto Palti, Germán Parsons, Rosa Perelmutter, Roberto Fernando Pérez, Abraham Jaime Plaksin, Silvia Inés Portnoy, Noemí Graciela Reisfeld, Félix Roberto Roisman, Marisa Raquel Said, Ricardo Hugo Said, Rimar Salazar Mendoza, Fabián Gustavo Schalit, Pablo Néstor Schalit, Mauricio Schiber, Néstor Américo Serena, Dora Shuldman de Belgorosky, Mirtha Alicia Strier, Liliana Edith Szwimer, Naum Javier Tenenbaum, Juan Carlos Terranova, Mariela Toer, Marta Andrea Treibman de Duek, Ángel Claudio Ubfal, Eugenio Vela Ramos, Juan Vela Ramos, Danilo Norberto Villaverde, Julia Susana Wolynski de Kreiman, Rita Noemí Worona and Ademar Zárate Loayza.

The following people also died at various hospitals and clinics: Gustavo Daniel Velázquez; Isabel Núñez de Velázquez, Romina Ambar Luján Bolan, Alberto Fernandez, Sebastián Julio Barreiros, Jacobo Chemauel and Olegario Ramírez.

The autopsies and corresponding records were cited for those named.

Acknowledgement was also made of the death of Leon Gregorio Knorpel, who was declared dead in absentia, by virtue of Article 108 of the Civil Code, in the proceedings brought before Civil Court No. 51 of Buenos Aires.<sup>44</sup> The ruling confirmed that he had been killed at the headquarters of the Argentine Israeli Mutual Association on July 18, 1994, as a result of the explosion. Finally, one person who was not able to be identified was also confirmed to have died.<sup>45</sup>

Also provided was the list of those seriously injured by the explosion: Daniel Joffe, Juan Carlos Álvarez, Humberto Chiesa, Gustavo Martín Cano, Rosa Montano de Barreiros, Daniel Osvaldo Saravia, Raúl Alberto Sánchez, Alejandro Mirochnik,

44 See pp. 8 and 30/33 of the annex "Missing Persons".

45 See, in this regard, autopsy n° 1766 attached on pp. 208/211 of autopsies annex II.

Pablo Ayala Rodríguez, Leonor Marina Fuster, Angélica Ester Leiva, Fernando José Andrada, Moisés Chaufan, Javier Horacio Miropolsky, Norma Heler de Lew, Elena Schreiber de Falk, Raquel Angélica Álvarez, Martín José Viudez, Gregorio Marchak, Luciano Javier Luppi, Rubén Samuel Chejfec, Hermelinda Bermín Bello, Sergio Luis Bondar, Marta Beatriz Massoli de Luppi, Jorge Osvaldo Ferretti, Claudio Alejandro Weicman, Jorge Eduardo Bordón, Ana María Balaszczuk de Cernadas, Horacio Diego Velázquez, Mónica Beatriz Barraganes, Aldo Ernesto Macagno, Adolfo Guido Guzmán, Mario Ernesto Damp and Horacio Dragubitzky.

This was accompanied by the testimonies given at the hearings by the victims of the bombing, explaining their presence at or in the vicinity of the building at the time of the explosion.

In addition, the following persons suffered minor injuries as a result of the blast: Berta Abousky de Palais, Silvio Duniec, Inés Vicenta López de Duniec, Arturo Gritti, Alejandro Daniel Verri, Laura Andrea Moragues, Lidia Bernardita Cazal Martí, Juan Aldo Lujan, Gustavo Spinelli, Norma Gladys Mansilla, Gladys Ernestina Perona de Lisazo, Ramón Máximo Gutmann, Verónica Lorena Pate, Adriana Verónica Rosa Sibilla, Gabriel León Roffe, Claudia Cristina Vicente de Liano, Adolfo Yabo, María Elsa Cena, Héctor Alberto Arce, Rita Raquel Ramírez, Jorge Alberto Machaca, Osvaldo Héctor Pérez, Ramona Miño, Ana María Rivas de Rikap, Adriana Beatriz Schettino, Susana Cecilia Lacour, Alberto Brescia, Jorge Miguel Andrada, Silvia Castillo Benítez, Mariana Andrea Sandkovsky, Dolores Insúa Calo, Edmundo Horacio Baron, Luisa Miednik, José Longo, María Beatriz Rivera Méndez, Raquel Ester Goberman, Claudio Alejandro Castro, Aída Eva Stolarsky de Bedne, Carlos Romagnani, Carlos Alberto Flores, Esther Beatriz Segelis de Dobniewski, Gustavo Cernadas, Alberto Roffe, Marcela Patricia Laborie San Miguel, Elena Atallah de Palechiz, Nicolás Wojda, Julio Carlos Sosa, Víctor Hugo Siman, Liliana Cristina Olivo, Daniel Alejandro Pomerantz, Oscar Orlando Moya, Samuel Szurman, Ernesto Víctor Ini, Mónica Lucia Arnaudo de Yabiansky, Raquel Czertok de Chen, Silvia Alejandra Murcia, Silvia Verónica Carrizo, Gregorio Oscar Militello, Blanca Ofelia Castillo Villanueva, Olga Magdalena Santillán, Miriam Magdalena Hoyos, Isabel Ainwoiner de Peker, Elvira Rosa Acosta, Marcial César Peletyero, Mario Kahan, Zunilda Petrona Martínez, Olga Josefina Martínez, José Eduardo Marzilli, Julio Barriga Loayza, León Veliz Palmacio and Adrián Pablo Furman. When giving evidence in court, all of the aforementioned individuals—with the exception of Alberto Roffe, Nicolás Wojda, Julio Carlos Sosa and Elena Atallah de Palechiz, whose witness statements to investigators were read out at the trial—claimed to have been hit by the blast wave or by objects displaced by it, or by falling objects and glass resulting from the explosion, and described their injuries in a manner consistent with what was reported in the medical records.

The following individuals were also declared to have suffered minor injuries caused by the explosion: Siphor Chalelachuli de Lapidus, Simón Sneh, Paula Cernadas, Romina Yabiansky, Eduardo Waizer, Diego Nolberto Díaz, Edmundo Ruiz, Natasha Yabiansky, Celia Nora Dubini de Quiroga, Sara Shimanski de Schapira, Miguel Ángel Wehbi, Eleuterio Galán, Francisco Gustavo Galán, Hugo Enrique Ávila, Arturo Daniel Gritti, Jaime Zaidman, Mario Obregón, Leonardo León Zechin, Salustiano Galeano, Israel Moisés Lapidus, Elías Néstor Tobal, Oscar Alfredo Gómez, Martha Hilda Brodsky de Roffe, José Adalberto Gallardo Nuesch, Antonia Nélica Mastromauro, Adriana Marisa Tello, Salomón Lotersztein, Inés Zulema López, Julio César Rodríguez, Ángela Romano de Delgado, Martha Raduel Finkelberg de Pierro, Cecilia Alejandra Rikap, Ramón López and Salomón Chencinski. It was clarified that, although these individuals did not give testimony at the trial for various reasons, numerous circumstances indicated that the injuries described in the medical reports cited had been caused by the explosion. Indeed, these people had been treated in various hospitals shortly after the catastrophe after having being transferred there from the blast site; the nature of the injuries reported was compatible with the events documented; and most of them lived or worked in locations close to the area affected by the attack, as evidenced by the records in the applications for subsidies granted to the victims by the National State. In the case of Sneh, Cernadas, Waizer, Díaz, Gómez, Brodsky de Roffe, Zaidman, Gritti, the Yabiansky sisters, Mr and Mrs Lapidus, Finkelberg, Rikap, Lopez and Chencinski, other witness testimonies confirmed their presence at the center at the time of the explosion, as well as the injuries they suffered.<sup>46</sup>

As a result of a further collapse of the building at 633 Pasteur Street on the evening of July 18, 1994, the physical integrity of the following police personnel was said to have been affected: Luis Canzobre, Mario Antonio Ottolino, Omar Alfredo Pérez, Pedro Martínez, Edgardo Roberto Ribrochi, Oscar Alberto Banega, Gabriel Germán Peralta Ruíz, Miguel Ángel Vinciguerra, Juan Antonio Brizuela, Daniel Tobal and Claudio Baamonde.

It was added that, with the sole exception of Baamonde, all of the above stated at the trial that in the course of performing various tasks at the blast site they were hit by slabs hanging from the ruined building following a further collapse that took place on the evening of July 18, 1994 and that, as a result, they received the injuries reported in the various records cited in each of the cases analyzed. Also cited was the video

46 The statements made by Rubén Samuel Lapidus, Héctor Rosenblat, Mónica Lucía Arnaudo de Yabiansky, Ana María Balaszczuk de Cernadas, Jaime Alejandro Waizer, Hilda Ester Delescabe de Díaz, Jorge Osvaldo Ferretti, Gabriel León Roffe, Arturo Gritti, Susana Lía Susmansky, Ana María Rivas de Rikap, Silvia Castillo Benitez, Maria Beatriz Rivera Méndez and Mario Alberto Chencinski

footage entitled “7/18 AMIA bombing from 5:30 pm to 8:20 pm, copy”, in particular, hour 2 minute 12 of transmission, and “America 2 VI”, minute 58.

The medical reports and other documents relating to their injuries were cited for all the wounded persons named.

#### Damage to buildings and vehicles

According to the evidence produced in court, the explosion was found to have caused damage to the surrounding buildings in a radius of approximately two hundred meters. The AMIA center was the most severely affected, as the structure of the front section collapsed and, although the rear of the building remained standing from the anteroom of the assembly hall on the ground floor, about 14 meters from the building line, it was structurally weakened.

It was estimated that the total area demolished by the explosion was around 2,000 m<sup>2</sup>, out of a total of about 4,600m<sup>2</sup> of construction. It was also found that all the building’s public utility lines had been affected, making it necessary to interrupt the supply of running water, natural gas and electricity. The sewerage, drainage, and telephone systems were similarly wrecked. It was added that among the other buildings affected, those most severely damaged were the adjacent ones located at 611 and 654 Pasteur Street and those facing the AMIA center situated at numbers 632 and 644.

The cost of repairing the damage to property was estimated at a total of \$14,930,725,<sup>47</sup> of which approximately \$4,000,000 corresponded to the damage caused to the Jewish Mutual building.

It was stated that the extent of the damage was backed up by photographs and videographic evidence which portrayed the destruction in the area, and by the report drawn up by the Real Estate Division of the Federal Police, in which a comprehensive review of each one of the buildings and its various functional units was conducted in order to assess the damage. To this were added the studies presented on pp. 62/69, 70/75 and 191/269; the report by public utility companies on pp. 76/190 and the plans on pp. 53/61, all of which accompanied the aforementioned police report; and the testimonies of Commissioner Jorge Alberto Chiossone and the architects Ricardo Horacio Fassano and Juan Carlos Rosas—members of the aforementioned Real Estate Division—the architect Eduardo Raúl Saralegui—head of the Technical Department of the Auxiliary Guard of the Municipality of Buenos Aires—Juan Antonio Van Der Horden—area head of the company “Aguas Argentinas”—and engineers Jorge Fontán Balestra and Aníbal Manzelli—president and secretary, respectively, of the Association of Structural Engineers.

47 p. 25 of the report prepared by the Real Estate Division of the Federal Police.

This body of evidence, added to the damage assessment files, the documentary proof included in the applications for subsidies granted by the Argentine Ministry of the Interior and the “Summary of the Destruction of Properties”<sup>48</sup> determined that the explosion had caused damage to the following buildings: a) Pasteur, on the block numbered 600-700, the properties located at the following cadastral nomenclatures: No. 601, No. 605, No. 609, No. 611, No. 612, No. 614, No. 615, No. 618, No. 619, No. 621, No. 622, No. 625, No. 626, No. 632, No. 634, No. 636, No. 644, No. 645, No. 646, No. 651, No. 655/657, No. 656/658, No. 658, No. 660/666, No. 669/673, No. 670, No. 674, No. 676, No. 677/681, No. 679/681, No. 680/686, No. 683/699 and No. 690/698; b) Pasteur, on the block numbered 500-600, the properties located at the following cadastral nomenclatures: No. 529/535, No. 536, No. 542, No. 546, No. 550, No. 553, No. 555, No. 556/558, No. 559, No. 562, No. 569, no. 570/572, no. 571, no. 576, no. 578, no. 582, no. 583, no. 589, and no. 594; c) Pasteur, on the block numbered 700-800, the properties located at the following cadastral nomenclatures: No. 705, No. 706, No. 715, No. 717, No. 720, No. 723, No. 724, No. 727, No. 730, No. 741, No. 746 and No. 761 ; d) Azcuénaga, on the blocks numbered in the 500s, 600s and 700s, the properties located at the following cadastral nomenclatures: No. 555, No. 621, No. 643, No. 663, No. 677, No. 683, No. 691, No. 720 and No. 774; e) Tucumán, on the blocks numbered 2100-2200 and 2200-2300, the properties located at the following cadastral nomenclatures: No. 2189, No. 2227, No. 2231, No. 2236, No. 2237, No. 2240, No. 2247, No. 2248, No. 2250, No. 2260, No. 2262, 2271, 2282, 2283, 2285, 2286, 2288 and 2292/2294; f) Tucumán, on the blocks numbered 2300-2400 and 2400-2500, the properties located at the following cadastral nomenclatures: No. 2300, No. 2301, No. 2307, No. 2309, No. 2311, No. 2318, No. 2818/2828, No. 2324, No. 2326, No. 2328, No. 2330, No. 2336, No. 2348/2350/2352/2354, 2361, 2362, 2396, 2402 and 2419; g) José Evaristo Uriburu, on the blocks numbered in the 400s, 500s and 600s, the properties located at the following cadastral nomenclatures: No. 484, No. 524, No. 542, No. 578, No. 581, No. 609, No. 624, No. 634, No. 650, No. 660, 664, 679, 678, 690, 674 and 742; h) Viamonte, on the blocks numbered in the 2200s, 2300s and 2400s, the properties located at the following cadastral nomenclatures: No. 2188, No. 2226, No. 2230, No. 2235, No. 2243/2247, No. 2258, No. 2270, No. 2275, No. 2277, No. 2278/2280/2282, 2279, 2281, 2295, no. 2309/2311, no. 2312, No. 2315/2319, No. 2314/2316/2320, no. 2319, No. 2322, 2336, 2336, 2336, 2332, 2336, 2332, 2332, 2346, 2346, 2362, 2362 . 2465/2469; and i) Finally, the properties located at the following cadastral nomenclatures: 689 Larrea Street, 2262 Lavalle Street and 2234 Córdoba Avenue.

48 pp. 10/42 of the aforementioned police report.

It was also stated that damage had been shown to have occurred to the following motor vehicles, which at the time of the explosion were circulating or parked in the vicinity of the AMIA center: “a Renault 20, license plate B-1.849.153, owned by Daniel Joffe, which was positioned diagonally on the road, at an approximate angle of 40 degrees, at number 645 Pasteur Street; a Peugeot 405, license plate C-1.637.008, owned by Isidro Horacio Neuah, which was travelling along Pasteur Street; a Dodge 1500, license plate B-1431.446, owned by Miguel Angel Rodriguez, which was parked in front of the building at 611 Pasteur Street; a Ford F-100, license plate B-1.515.312, owned by Juan Carlos Terranova, parked at 657 Pasteur Street; a Renault 18, license plate C-1.575.694, the patrol car belonging to the 7th district police station, unit No. 6127, parked at 621 Pasteur Street and vehicle 114 belonging to bus route number 75, driven by Juan Segundo Canale, which had stopped at the intersection of Tucumán and Pasteur.”<sup>49</sup>

It was added that this was supported by the report drawn up by the then Chief Inspector Helguero,<sup>50</sup> the report by the transport company “El Puente SA”;<sup>51</sup> photographs;<sup>52</sup> and the testimonies of Daniel Joffe, Horacio Neuah, Miguel Angel Rodríguez, Ana Dora Eiriz de Rodríguez, Juan Sergio Terranova, Adolfo Guido Guzmán, Jorge Eduardo Bordón and Juan Segundo Canale.

#### Findings at the blast site—the Renault Trafic van

It was stated to have been confirmed, “... that the explosive charge detonated inside a Renault Trafic utility vehicle, after it had approached the building along Pasteur Street before reaching the entrance gate, located at number 633 of the said thoroughfare.”<sup>53</sup> This assertion was said to be based on the discovery at the scene and in the vicinity of mechanical parts corresponding to a van of that make and model: findings that were also confirmed when an inspection was made of the debris and other objects collected on the block numbered 600-700 Pasteur Street and in the surrounding area, which were immediately transferred to a site located behind the “Ciudad Universitaria” campus in the city’s Costanera Norte riverside zone.

To this were added the elements deposited at the Federal Superintendency of Firefighters of the Argentine Federal Police;<sup>54</sup> the seizure records;<sup>55</sup> the procedures for

49 Ibid.

50 Attached on pp. 343/384 and the photographs from annex “X”.

51 Contained on pp. 615/616 of the supplementary investigation file.

52 Included on p. 95,862 of the main report.

53 Judgment of Federal Oral Court n° 3, Chapter V.

54 Photographed on pp. 67/115 of the Preliminary Report and on pp. 78/86 of the Final Report, both produced by the Department of Explosives and Special Risks of the aforementioned institution and on pp.14,305/14,313 of the main report.

55 Included on pp. 166/223 and 225/232 of the Preliminary Report, and pp. 5 and 7/8 of the Final Report.

identifying parts carried out by technicians from the “Compañía Interamericana de Automóviles S.A.”—CIADEA S.A.—the only manufacturer of Renault vehicles in the country;<sup>56</sup> the analysis of the parts impounded, conducted by the aforementioned company,<sup>57</sup> and their identification based on the manufacturing catalogs for the Renault Trafic vehicle.<sup>58</sup>

Also included were the witness statements of Mauricio Adrián Barrera, Juan Dante Falzarano, Luis Alberto Álvarez, Gustavo Alejandro Varela Gómez, Jorge Enrique Solano, Claudio Luis Kirianovicz, Horacio Angel Lopardo, Carlos Enrique Quinteros, Carlos Ruiz Huidobro, Raúl Arbor, Marcelo Debiassi, Guillermo Daniel Ceballos, Raúl Aníbal Varela, Omar Edgardo Castro, Alberto Tomás Scalise, Rubén Alberto Nieto, César Ramón Gómez, Aroldo Salatino, Juan Carlos Zottarelli and Félix Alberto Estévez, all members of the aforementioned Department of Explosives and Special Risks, as well as those of Eduardo Alberto Fernández, Daniel Villagra, Juan Sabino López, Luis Benito Arias, José Mendoza, David Tomás González Espinoza, Roberto Ortiz, José Jorge Santillán and Marcelo Daniel Soria and those of the safety officers Miguel Angel Castro, Walter Ostapowicz and Claudio Alberto Camarero. These recounted the discovery of the auto parts or fragments thereof, corresponding to a Renault Trafic van: “1.- Official police record on p. 166, signed by Deputy Inspector Mauricio Adrián Barrera, describing the discovery of a deformed metal part, which appeared to be a leaf from a spring pack with a bracket attached, and the remains of the bodywork of a motor vehicle, among the rubble piled up on the sidewalk opposite the AMIA center at 11:45 am on July 18, 1994. 2.- Official police record on p. 167, signed by the same officer, recounting the seizure of a metal part with a roller bearing, possibly belonging to the bracket of an axle tip, at 12.00 noon on the same day and in the same location. 3.- Official police record on p. 168, signed by Inspector Juan Dante Falzarano, relating the discovery of two metal parts, which at first glance appeared to be part of a leaf spring of a vehicle, near the intersection of Pasteur and Tucumán at 1:00 pm. on July 18, 1994. 4.- Official police record on p. 169, signed by Deputy Inspector Mauricio Barrera, describing the discovery of a metal part resembling a piece of hub, which had stamped on it the number 914, inside the AMIA building at 1:30 pm on 18 July 1994. 5.- Official police record on p.170, signed by Corporal Luis Alberto Álvarez, reporting the discovery of a piece of iron apparently belonging to parts of a vehicle’s traction system inside the AMIA building at 5:00 pm

56 Detailed on pp. 24, 30, 32, 36, 38 and 42 of the Preliminary Report, p. 9 of the Final Report and pp. 14,320 / 14,321 of the main report.

57 On pp. 33/37 of the Final Report.

58 Included on pp. 119/165 of the Preliminary Report, pp. 88/105 of the Final Report and pp. 14,314/14,319 of the main investigation report.

on July 18, 1994. 6.- Official police record on p. 171, signed by Deputy Inspector Gustavo Alejandro Varela Gómez, recounting the seizure of a metal cylinder resembling the running gear of a motor vehicle on the steps of premises located across the street from the bombed building at 5:15 pm on July 18, 1994. 7.- Official police record on p. 172, signed by Chief Inspector Jorge Enrique Solano, relating the recovery of a piece of metal that might have belonged to a vehicle, among the debris strewn inside the central part of the AMIA building at 7:30 pm on July 18, 1994. 8.- Official police record on p. 173, signed by Deputy Inspector Claudio Luis Kirianovicz, recounting the discovery of a completely deformed piece of wheel rim in front of 2395 Tucumán Street at 1:00 pm on July 18, 1994. 9.- Official police record on p. 174, signed by the aforementioned Deputy Inspector, relating the discovery of a piece of compact cylindrical metal threaded at one end, similar to the axle tip of a vehicle, on the sidewalk at 630 Pasteur Street at 1.30 pm on July 18, 1994. 10.- Official police record on p. 175, also signed by the above-mentioned Deputy Inspector, relating to the discovery of a deformed piece of metal with three holes and an attached screw, which appeared to be the hinge of a vehicle, on the sidewalk at number 2350 Viamonte Street at 2:00 pm on July 18, 1994. 11.- Official police record on p. 176, signed by Deputy Inspector Gustavo Alejandro Varela Gómez, recounting the discovery of a piece of metal, which might have belonged to a vehicle, inside the building opposite the AMIA center at 2:20 pm on July 18, 1994. 12.- Official police record on p 177, signed by Deputy Inspector Claudio Luis Kirianovicz, reporting the discovery of two pieces of metal, one circular in shape and completely deformed, resembling a fragment of brake plate, and another with a cylindrical shape, which appeared to be from the brake cylinder of a vehicle, on the sidewalk at 630 Pasteur Street at 2.30 pm on July 18, 1994. 13.- Official police record on p. 178, signed by Chief Inspector Jorge Enrique Solano, recounting the discovery of a piece of metal, which appeared to be from a vehicle, in premises located at the intersection of Pasteur and Tucumán at 3:20 pm on July 18, 1994. 14.- Official police record on p. 179, signed by Deputy Inspector Mauricio Adrián Barrera, relating the recovery of a deformed metal part similar to the brake pad of a vehicle, in front of the premises located at 685 Pasteur at 3.30 pm on July 18, 1994. 15.- Official police record on p. 180, signed by the aforementioned Deputy Inspector, recounting the discovery of a metal part resembling deformed steel plating with a hole possibly for transportation, which would appear belong to a vehicle, in front of 694 Pasteur Street at 3:45 pm on July 18, 1994. 16.- Official police record on p. 181, signed by Chief Inspector Jorge Enrique Solano, recounting the discovery of a piece of metal that appeared to be from the rear axle of a vehicle, in premises located opposite the AMIA center at 4:45 pm on July 18, 1994. 17.- Official police



record on p. 182, signed by Inspector Juan Dante Falzarano, relating the recovery of two pieces of metal that might be from the rear leaf spring of a vehicle among the rubble on the sidewalk opposite the AMIA center at 7:00 pm on July 18, 1994. 18.- Official police record on p.183, drawn up at the Judicial Morgue by the aforementioned officer, in the presence of the Chief Inspector Miguel Angel Castro and witnesses Eduardo Fernandez and Daniel Villagra, reporting the confiscation of metal remains removed from the bodies of victims killed in the bombing, as well as skin swabs, fragments of skin and hair corresponding to autopsies No. 1621, 1622, 1616, 1629 and 1617, at 12:28 am on July 19, 1994. 19.- Official police record on p. 184, signed by Deputy Inspector Horacio Lopardo, recounting the discovery of a piece of metal sheet, which appeared to be from a vehicle wheel rim; another similar one—bolted to a piece of metal sheet—and two metallic parts most likely the remains of a brake drum, in a bedroom located on the left side of the first floor of the building opposite the AMIA center at 10.05 am on July 19, 1994. 20.- Official police record on p. 185, signed by Deputy Inspector Carlos Enrique Quinteros, reporting the discovery of two pieces of tire in a bedroom located on the first floor of the building located at 632 Pasteur Street at 10:30 am on July 19, 1994. 21.- Official police record on p.186, signed by Deputy Inspector Horacio Lopardo, recounting the discovery of a piece of twisted metal attached by two pins to two iron plates on the sidewalk outside a printing shop on the even-numbered side of Pasteur Street at 1:17 pm on July 19, 1994. 22.- Official police record on p.187, signed by Corporal Carlos Ruiz Huidobro, reporting the discovery of a piece of vehicle wheel rim on the sidewalk in front of the AMIA center at 4.45 pm on July 19, 1994. 23.- Official police record on p.188, signed by Chief Inspector Raúl Arbor, recounting the discovery of a car exhaust manifold among the rubble located in the mid section of the basement of the AMIA center, about 10 meters from the municipal line, at 5:00 pm on July 19, 1994. 24.- Official police record on p.189, signed by Deputy Inspector Gustavo Alejandro Varela Gómez, recounting the discovery of a piece of iron, which appeared to belong to a vehicle, on the landing of the staircase of premises located opposite the AMIA center at 6:00 pm on July 19, 1994. 25.- Official police record on p.190, signed by Deputy Inspector Marcelo Debiassi, reporting the seizure of three pieces of metal belonging to a vehicle, one of which was found among the rubble of the AMIA center at 6:00 pm on July 19,1994 and the others immediately afterwards on the sidewalk opposite the Jewish Mutual building. 26.- Official police record on p.191, signed by Deputy Inspector Guillermo Daniel Ceballos, reporting the discovery of a metallic element, similar to a gate lock, with a piece of flooring' underneath rubble scattered on the sidewalk opposite the AMIA center at 10:37 pm on July 19, 1994. 27.- Official police record on p.192,

signed by Sergeant Raúl Aníbal Varela, recounting the discovery 'of a roller bearing race, apparently from a vehicle' on the sidewalk opposite the AMIA center at 11:00 pm on July 19, 1994, 28.- Official police record on p.193, signed by Deputy Inspector Guillermo Daniel Ceballos, recounting the discovery 'of a metal part that might be from a van' under the rubble located inside the grounds belonging to the AMIA at 11:15 pm on July 19, 1994. 27.- Official police record on p.194, signed by Sergeant Raúl Aníbal Varela, recounting the discovery 'of long piece of metal, which appeared to be part of the shock absorber axis of a vehicle' on the sidewalk opposite the AMIA center at 11:45 pm on July 19, 1994, 30.- Official police record on p.195, signed by Deputy Inspector Guillermo Daniel Ceballos, recounting the discovery of a metal part corresponding, it would seem, to a vehicle, inside the AMIA center, at 23:45 pm on 19 July 1994. 31.- Official police record on p.196, signed by Sergeant Omar Edgardo Castro, recounting the discovery 'of what appeared to be one (1) piece of hinge from a van door' on top of the rubble strewn across the sidewalk opposite the AMIA center at 10:40 pm on July 20, 1994. 32.- Official police record on p.197, signed by Deputy Inspector Mauricio Adrián Barrera, recounting the discovery of a vehicle wheel rim with hub bearing the number 77-00724717 among the rubble found on the premises at 633 Pasteur Street at 11:00 pm on July 20, 1994. 33.- Official police record on p.198, signed by Deputy Inspector Alberto Tomás Scalise, recounting the discovery of rubber debris, apparently belonging to a vehicle tire, among the rubble strewn across the sidewalk opposite the AMIA center at 11.05 pm on July 20, 1994. 34.- Official police record on p.199, signed by Sergeant Rubén Alberto Nieto, recounting the discovery of a piece of iron printed with the number 330448, which appeared to belong to a vehicle, among the rubble of the AMIA center at 11:15 pm on July 20, 1994. 35.- Official police record on p. 200, signed by Deputy Inspector Guillermo Daniel Ceballos, recounting the discovery of a piece of tire bearing the stamp 'FATE AR-30' on the sidewalk opposite the AMIA center at 11:40 pm on July 20, 1994. 36.- Official police record on p. 201, signed by the aforementioned deputy inspector, recounting the discovery of two pieces of rubber floor mat from a vehicle among the remains of what used to be the sidewalk of the AMIA center at 03.20 am on July 21, 1994. 37.- Official police record on p. 202, signed by Deputy Inspector Carlos Enrique Quinteros, recounting the discovery of two (2) pieces of pneumatic tire on the first floor of the building located at 626 Pasteur Street at 11:30 am on July 21, 1994. 38.- Official police record on p. 203, signed by the aforementioned deputy inspector, recounting the discovery of a severely deformed scrap of metal, which appeared to belong to the structure of a motor vehicle, inside the entrance hall to the building at 632 Pasteur Street at 1.20 pm on July 21, 1994. 39.- Official police record

on p. 205, signed by the aforementioned deputy inspector, recounting the discovery of a piece of tire among the rubble located on the left side of the premises of AMIA center at 4:00 pm on July 21, 1994. 40.- Official police record on p. 206, signed by Deputy Inspector Alberto Tomás Scalise, recounting the discovery of three pieces of rubber, which appeared to be part of a vehicle tire, one of which had stamped on one side the inscription 'FATE 0', on the sidewalk outside number 684 Pasteur Street at 11:30 am on 22 July 1994. 41.- Official police record on p. 207, signed by Corporal César Ramón Gómez, recounting the discovery of a piece of metal that appeared to be from the front section of a vehicle 'in the middle of the second basement of the bomb-hit building' at 11.35 am on July 22, 1994. 42.- Official police record on p. 208, signed by Deputy Inspector Claudio Luis Kirianovicz, recounting the discovery of 'what appeared to be the suspension spring of a vehicle' among the rubble in the central part of the AMIA building at 7:00 pm on July 22, 1994, 43.- Official police record on p. 209, signed by Inspector Juan Falzarano, in the presence of witnesses Pablo Marcelo Garris and Gustavo Moragues, recounting the discovery of a spring leaf and pieces of metal sheet in front of the bombed building, 'inside the indentation caused by the reaction of the explosive compound' at 7:50 pm on July 22, 1994. 44.- Official police record on p. 210, signed by Deputy Inspector Claudio Luis Kirianovicz, recounting the discovery of a piece of twisted metal plate containing three screws with washers and nuts, which appeared to belong to a vehicle, among the rubble in the central part of the AMIA building at 8:20 pm on July 22, 1994. 45.- Official police record on p. 211, also signed by Kirianovicz, recounting the discovery of 'a completely deformed piece of sheet metal with what appeared to be a (felt) fiber stuck to it, which could be from a vehicle' among the rubble situated toward the amphitheater, in the central part of the ground floor of the Jewish Mutual building at 10:00 pm on July 22, 1994. 46.- Official police record on p. 212, signed by the abovementioned Kirianovicz, recounting the discovery of what appeared to be the suspension spring of a vehicle among the rubble inside the AMIA building at 11:00 pm on July 22, 1994, 47.- Official police record on p. 213, signed by Corporal Aroldo Salatino, recounting the discovery of two pieces of wheel rim, a metal part and a brake pad, belonging to a vehicle, inside the AMIA center at 5:00 pm on 23 July 1994. 48.- Official police record on p. 214, signed by Deputy Inspector Carlos Enrique Quinteros, recounting the discovery of a shaft with cogs, which appeared to come from the gearbox of a motor vehicle, inside the AMIA building at 2:30 pm on July 24, 1994. 49.- Official police record on p. 215, signed by Deputy Inspector Marcelo Alejandro Debiassi, recounting the discovery of two metal parts, one cylindrical and the other circular in shape, and a piece of rubber, which appeared to belong to a vehicle, among the rubble of the AMIA building at

5:35 pm on July 23, 1994. 50.- Official police record on p. 216, signed by Deputy Inspector Carlos Enrique Quinteros, recounting the discovery of a flexible tube approximately ten centimeters in length with a metal attachment at one end, which appeared to be from a motor vehicle, among the rubble at the site occupied by the AMIA building at 5:40 pm on July 24, 1994. 51.- Official police record on p. 217, signed by Deputy Inspector Alberto Tomás Scalise, recounting the discovery of an elongated section of metal with perforations and a visible nut, apparently belonging to a motor vehicle, in the vicinity of number 680 Pasteur Street at 6:00 pm on July 24, 1994. 52.- Official police record p.218, signed by Deputy Inspector Guillermo Daniel Ceballos, recounting the discovery of a metal part similar in shape to a vehicle brake pad inside the AMIA center at 7:45 pm on July 24, 1994. 53.- Official police record on p. 219, signed by Corporal Carlos Ruiz Huidobro, recounting the discovery of a piece of radiator hose, a piece of metal and leaf spring clamp inside the AMIA headquarters at 10:30 pm on July 23. 54.- Official police record on p. 220, signed by Sergeant Juan Carlos Zottarelli, recounting the discovery 'of a cylindrical piece of metal resembling a half-shaft' among the rubble inside the AMIA building at 02.05 am on July 25, 1994. 55.- Official police record on p. 221, signed by the aforementioned sergeant, recounting the discovery of a piece of concertinaed rubber and pieces of metal rods among the debris found on the sidewalk belonging to the AMIA center at 03:57 am on July 25, 1994. 56.- Official police record on p. 222, signed by Deputy Inspector Horacio Angel Lopardo, recounting the discovery 'of a piece of a car tire, a metal cog, three pieces of iron that make up part of a brake, a piece of semi-curved iron with remnants of sheet metal welded at one end and two iron fastenings, a piece of sheet metal approximately 80 cm by 10 cm and a rectangular piece of sheet metal forming a twisted and deformed crate measuring approximately 90 cm by 25 cm, fastened at one end to a curved steel bar approximately 90 cm in length' inside the AMIA building, two meters to the left of the entrance to the central hall, at 11:00 am on July 25, 1994. 57.- Official police record on p. 223, signed by Deputy Inspector Alberto Tomás Scalise, recounting the discovery 'of a piece of rubber, possibly belonging to a motor vehicle' on the road opposite 633 Pasteur Street at 3:10 pm on July 25, 1994. 58.- Official police record on p. 225, signed by Deputy Inspector Mauricio Adrián Barrera, recounting the discovery 'of a metal part approximately 10 cm long and 5 cm wide containing five (5) holes' among the rubble of the AMIA center at 9:00 pm on July 25, 1994. 59.- Official police record on p. 226, signed by Sergeant Félix Alberto Estévez, recounting the discovery of a cylinder cover, a cog and a metal part, all apparently from a vehicle, inside the AMIA building at 11:00 pm on July 25, 1994. 60.- Official police record on p. 227, signed by Deputy Inspector

Claudio Luis Kirianovicz, recounting the discovery of 'what appeared to be a (1) metal casing, possibly of a vehicle's starter motor' among the rubble in the central part of the AMIA building at 10:00 pm on July 26, 1994. 61.- Official police record on p. 228, signed by Deputy Inspector Alberto Tomás Scalise, recounting the discovery 'of a metal part made up of two components joined by a metal bar, which might form part of the pedals of a motor vehicle' in the middle the AMIA building at 11:30 am on July 27, 1994. 62.- Official police record on p. 229, signed by the aforementioned deputy inspector, recounting the discovery of a metal part with characteristics similar to those of a vehicle brake clamp inside the premises located at approximately 620 Pasteur Street at 12:00 am on July 27, 1994. 63.- Official police record on p. 230, signed by the aforementioned deputy inspector, recounting the discovery of a metal part composed of two bolted sections, which appeared to be part of a shaft seal of a vehicle, in the vicinity of number 620 Pasteur Street at approximately 12.10 pm on July 27, 1994. 64.- Official police record on p. 231, signed by Deputy Inspector Alberto Tomás Scalise, recounting the discovery 'of an elongated section of metal, possibly a wheel wrench from a vehicle' in the area of the amphitheater stage inside the AMIA center at 1:00 pm on 27 July, 1994. 65.- Official police record on p. 232, drawn up by Deputy Inspector Marcelo Debiassi, in the presence of his assistant Walter Ostapowicz and Miguel Simón Paco, recounting the discovery of metal parts and masonry debris on a site located in the city's Costanera Norte riverside area, on July 27, 1994. 66.- Official police record on p. 5 of the Final Report by the Department of Explosives and Special Risks, drawn up by Deputy Inspector Claudio Kirianovicz, in the presence of witnesses Luis Benito Arias and José Mendoza, recounting the discovery of (2) two pieces of a battery, one (1) piece of plastic material with (4) four cables attached, one (1) piece of metal with screws and a deformed bearing, one (1) piece of metal (aluminum), one (1) cylindrical piece of metal, one (1) apparent clutch disc, two (2) cylindrical pieces of metal, one (1) piece of metal with a rubber block attached, one (1) threaded rubber damper, one (1) metal sheet with two holes, five (5) deformed pieces of sheet metal, one (1) piece of metal with rivets' behind the Ciudad Universitaria campus at 12:00 am on August 25, 1994. 67.- Official police record on p. 7 of the Final Report, drawn up by Deputy Inspector Alberto Tomás Scalise, in the presence of the witness David Tomás González Espinoza, recounting the discovery of 'one (1) carburetor cover with the inscription 'Renault 1600', one (1) cylindrical section of thick iron with perforations, one (1) flat section of iron with perforations at both ends, one (1) plastic part with contacts and cables and one (1) semicircular piece of metal' behind the Ciudad Universitaria campus at 11:00 am on August 12, 1994. The report notes the presence of a single witness since the area was difficult to access. 68.- Official police

record on p. 8 of the Final Report, drawn up by Deputy Inspector Claudio Kirianovicz, in the presence of witnesses Eulogio Gómez and Roberto Ortiz, recounting the discovery of 'one (1) piece of white plastic, two (2) pieces of black plastic, (1) a piece of metal that appeared to be from the leaf spring of a vehicle, (1) a piece of metal (sheet) with (6) six holes apparently from a vehicle' behind the Ciudad Universitaria campus, at 11:45 am on August 7, 1994. 69.- Official police record on p. 8,777 and p. 8,778 of the main investigation report, signed by Deputy Inspector Claudio Alberto Camarero and Inspector Claudio Kirianovicz, in the presence of witnesses Marcelo Daniel Soria and José Jorge Santillán, recounting the discovery of forty-nine small and irregularly shaped pieces of metal and one piece of black rubber with similar characteristics on the terrace of the building located at 576 Pasteur Street, along with a small piece of deformed metal sheet on the roof landing of the first floor of said building on February 3, 1995."<sup>59</sup>

The personnel of the Department of Explosives and Special Risks of the Federal Superintendency of Firefighters broadly confirmed the reported findings. They declared having visited the site for the primary purpose of collecting evidence that might explain the source of the explosion. Following the discovery of parts of a motor vehicle, the investigation proceeded in that direction.

It was reported that the pieces found had been recognized by employees of the firm "CIADEA S.A." as belonging to a Renault Trafic utility vehicle.

The court stated that although the police officers who had made the reported discoveries failed to precisely identify the sequestered parts in order to be able to link them to those that were later recognized by the technicians of the automobile company, this omission did not invalidate the procedures carried out in such circumstances. This assertion was based on the fact that all the police officers who had taken part in the seizures maintained during questioning that, prior to being classified at the operations center, the evidence collected was sent to the Department of Explosives where the technicians from "CIADEA S.A." determined whether the items corresponded to a vehicle manufactured at that company; on the fact that many of those officers recognized in the photos of auto parts some of those found in the circumstances described in the seizure reports and, although they had not been able to recognize them in their entirety or had expressed doubts in that regard, it does not mean that their testimony should be disregarded; and on the fact that in some cases the police officers detailed in the respective report the identification marks engraved on the parts, which moreover were all collected in the vicinity of 600-700 Pasteur Street. In addition, in some cases, the description given of the parts when the reports

59 Judgment, Federal Oral Court n° 3, Chapter V.

were drawn up coincided with the technical name assigned to them by the “Renault” specialists.

However, it was explained that what had proved essential when it came to stating that the parts identified by the technicians from “CIADEA S.A.” belonged to the vehicle carrying the explosive charge that detonated in the front of the building at 633 Pasteur Street was that they all displayed cracks and deformations compatible with the shock wave generated by that charge. This conclusion was supported by the expert report<sup>60</sup> drawn up by then Commissioner Carlos Néstor López, the then Chief Inspector Juan Dante Falzarano, Fernando Carlos Cingolani, at the time the spare parts analyst at “CIADEA S.A.” and Osvaldo Laborda, the technical advisor at the time to one of the groups of plaintiffs. Based on the physical examination of the elements described, the following conclusions were thus reached: “a) that the engine displays cracks and deformations in direct proportion to a shock wave generated in the direction of its front section; that is to say, the part corresponding to the first cylinder which is closest to the gearbox; b) that all the components of the Renault Trafic display cracks and deformations in direct proportion to the reaction of an explosive charge located inside the van; to be more precise, in the load compartment; c) that its constituent parts—engine, axle, wheel rims, ball joints, leaf springs, shock absorbers, gears, body panels—had been installed and were functioning in the van carrying the explosive charge, since the breaks, fractures and deformations in the parts match the original anchorage points for which they were designed, and the effects of the blast wave were found to be in direct proportion to the above, d) that the objects examined were subject to a single explosion, which was the same phenomenon that affected all the constituent elements of the Trafic van used to perpetrate the attack.”<sup>61</sup>

Also included in the oral debate were the comments made by the engineer Juan María Cardoni in his study dated December 1, 1994, with regard to the fact that the cracks and bending displayed, in particular, by the rear axle of the van— item No. 10—were the result of an expansive action at a speed of between 4,568 and 4,136 meters per second, in which he clarified that this effect could only have been produced by the expansive action of an explosive.

#### Fragments removed from the bodies of the victims

It was stated that pieces of a vehicle had been found embedded in the bodies of two of the victims killed in the attack. In that of Ramón Norberto Díaz, a rear shock absorber bearing the number 770209384, identified as item No. 26, was found in the

60 Included on pp. 30,761/30,764.

61 Judgment of Federal Oral Court n° 3, Chapter V.

neck area and in that of Gregorio Melman the discovery was made of a coupling from the lower part of the steering column with its casing, recorded as item No. 27.

The following were cited as supporting evidence: the official record on p.183 of the Preliminary Report; the photos on p. 79 and 80 of the same report; the autopsies on pp. 61/68 of the annex 'Autopsies I' and pp. 4868/4869 of the supplementary investigation file; the x-rays identified as "autopsy 1629, No. 1134, 18-07-94, unidentified male" and "autopsy 1629, No. 1131, 18-07-94, unidentified male"; the report by the Radiology Service of the Forensic Medical Corps on p. 403 of the annex 'Autopsies I'; the medical examiner's report on pp. 1085/1086; the photos on pp. 1167/1168; and the testimony of Carlos Alberto Navari, Eduardo Rubén Migliónico, Alfredo Horacio Sapag, Julián Gabriel Veiga, Juan Falzarano, Eduardo Fernández, Daniel Villagra and Miguel Ángel Castro.

The medical examiners Migliónico and Sapag signed the report on pp. 1085/1086 recounting that at 10:00 pm on the day of the attack they had examined at the Judicial Morgue the body of a male, aged 60 to 65 years, identified as No. 1629, which displayed multiple blunt injuries in all topographic areas and an open neck wound caused by the penetration of a metal element similar to a vehicle shock absorber, which had entered the left lateral region of the thorax. They also examined human remains, identified as No. 1617, which were later confirmed to belong to the aforementioned Melman.

For his part, Dr. Carlos Alberto Navari of the Forensic Medical Corps, who carried out post mortem No. 1629, indicated that during the course the medical examinations that he had conducted on July 18, 1994 he had been struck by the corpse belonging to the aforementioned Diaz, since embedded in it, from left to right and in an upwards direction, was a metal element of considerable size, which on account of its characteristics, appeared to be a vehicle shock absorber. Navari inferred that the victim's left side was facing the explosion at the moment when he received the impact of the shock absorber, which had emanated from a point located below him. He ruled out the possibility that the shock absorber might have been embedded in the body manually or by another mechanism, since this would require a force similar to the one produced by an explosion of that magnitude. When he was shown the shock absorber in question, he recognized it as the one he had extracted from Diaz's body, and the Radiology Service report also highlighted the presence of a foreign body with the density of metal, containing a spring, that could be observed in the cervical region.

Doctors Osvaldo Héctor Curci and Fernando Claudio Trezza, also members of the Forensic Medical Corps, recalled having seen the shock absorber embedded in the body of one of the victims.

Both Hilda Ester Delescabe de Diaz, the wife of Ramón Nolberto Díaz, and Juan



Carlos Álvarez, a street sweeper who had cleaned along Pasteur for more than eight years, placed Diaz in the area at the time of the explosion.

The then non-commissioned officer Julián Gabriel Veiga, who had been assigned to guard the bodies entering the Judicial Morgue, stated that around 6:00 pm on the day of the bombing he had witnessed the arrival of a corpse— which hours earlier had been deposited, along with three others, in the yard of the 5th district police station— from which the shock absorber of an automobile was extracted.<sup>62</sup> In addition, the then Chief Inspector Miguel Angel Castro stated that the bodies initially taken to the 5th district police station were later sent to the Judicial Morgue, due to lack of space and since the investigating judge had so instructed.

In his report included on pp. 4868/4869 of the supplementary investigation file—autopsy No.1617—Dr. Navari explained that after examining human remains belonging to a male corpse, which was later determined to be that of Gregorio Melman,<sup>63</sup> he set aside various metal fragments in order to carry out the corresponding tests.

As was stated in the oral debate by Raquel Fainstein, Natalio David Sluzky, Ana María Blugerman de Czyzewski, Irene Rosa Perelman and Luisa Miednik,<sup>64</sup> Melman was a member of AMIA's security staff and at the time of the explosion was stationed near the entrance to the building.

To this was added the official record included on p. 183 of the Preliminary Report, which documented that “metal remains extracted from the bodies of those killed and cutaneous swabs, fragments of skin and hairs corresponding to autopsies No. 1621, 1622, 1616, 1629 and 1617”—the last two of which correspond to the bodies of Diaz and Melman—had been taken away from the Judicial Morgue first thing in the morning on July 19 by Fire Officer Juan Dante Falzarano, in the presence of the morgue employees Villagra and Fernandez and Officer Castro.

Although when giving testimony neither Villagra nor Castro recalled this procedure, they did on the other hand remember having performed duties at the Judicial Morgue in the early hours of July 19 and recognized their signatures on the corroborating document. Moreover, the former argued that on that day the amount of administrative work had been considerable, which helped to explain why he was unable to recollect the event. Fernandez, in contrast, although unable specify which elements were removed from the morgue, confirmed that he had participated in the confiscation of items. Officer Falzarano, for his part, stated that in the early hours of

62 See, in this regard, the record on p. 98 of the said Annex I, recounting their arrival at the morgue at 5:00 pm.

63 According to reports on pp. 418/420 of Annex I.

64 See also the report on pp. 21,363/21,365.

July 19 he went to the Judicial Morgue to remove a cylindrical piece of metal about 30 or 40 cm in length and another circular one, both extracted from the bodies of some of the victims killed in the attack, and drew up the necessary record, the signature and handwriting on which he recognized as his own. On reviewing the photographs accompanying the preliminary and final reports, he initially recognized the items identified as No. 26 and 27, but later stated that, on account of their similar shape, they might also be those numbered 67 or 109.

#### The detonation

In the judgment it was considered proven that the explosive charge—estimated to be equivalent to between 300 and 400 kg of TNT—composed of ammonium nitrate, with the addition of aluminum, a heavy hydrocarbon, TNT and nitroglycerin, had detonated within the perimeter delimited by the building line, a parallel line situated one meter inside the entrance hall of the building at 633 Pasteur Street, the axis of symmetry of the entrance door and a parallel line displaced one meter and twenty-five centimeters towards Tucumán Street. This conclusion emerged from the chemical expert reports drawn up by Gustavo Adolfo Merlo and Marcelo Leguizamón, then members of the Superintendency of Firefighters' Experimentation and Training Division, contained on pp. 50, 51, 53, 55, 56, 57, 59, 60 and 61 of the Preliminary Report. These reports revealed that the presence of nitrate, nitrite and ammonium ions, in addition to elemental aluminum, had been detected in the samples analyzed. Furthermore, in another sample, in addition to the aforementioned substances, the presence of traces of nitroglycerin was detected, as detailed in the report included on p. 52.

The experts Alberto Raúl Candia and Ricardo Agustín Padula from the Chemical Laboratory Division of the PFA, reported<sup>65</sup> that they had collected from the disaster zone a piece of blue cloth, on which the presence of large amounts of aluminum, ammonium and compounds containing nitro groups was later detected, and a grayish green material,<sup>66</sup> in which aluminum, ammonium, hydrocarbons, oxidizing anions, nitrogen oxides and ammonia were found. The chemical analysis included on p. 40/41 of the Final Report clarified that the last sample confirmed “the barely perceptible presence of (heavy) hydrocarbons with more than 14 carbon atoms, which were not able to be identified”.

The study included on pp. 62/62-1 also analyzed a deformed rectangular piece of flat metal with irregular edges—sample No. 1—which corresponded to item No. 2,

65 On pp. 62/62-1 of the Preliminary Report.

66 See, also, the official record of pp. 62-2 of the abovementioned report.

identified by “CIADEA S.A.” as a piece of deformed wheel rim, No. 77-00724717, in which the presence of ammonium, oxidizing anions and compounds containing nitro groups in their structure was also detected.

With regard to the substances detected in the last three samples mentioned, particularly ammonium, aluminum, hydrocarbons and oxygenated nitrogen compounds, the specialists stressed that these correlated with the components of an ammonal-type explosive.

Finally, it was pointed out that chemical expert reports contained on pp. 29 and 30 of the Final Report, signed by Merlo, showed that in the items identified by the CIADEA S.A. technicians as numbers 1, 2, 60, 82 and 90 traces of nitrate, nitrite, ammonium, aluminum, sulfate, carbonate, calcium and carbon ions were detected, along with nitroglycerin and trinitrotoluene—TNT and trotyl—the last two being high explosives.

The aforementioned substances were said by chemists Gustavo Merlo and Marcelo Leguizamón to constitute the components of an explosive known as ammonium nitrate, with large amounts of aluminum powder, as well as traces of a compound very similar to nitroglycerin. Merlo deduced that the concentration of nitroglycerin in the total explosive mass was minimal, due to the faint presence detected in the samples.

The chemists Alberto Raúl Candía and Ricardo Agustín Padula acknowledged their signatures on the abovementioned tests, with the latter adding that some of the samples were taken at the blast site a few days after the bombing had occurred, which was confirmed by officer Rafael Angel Carelo.

It was stated that on the basis of the aforementioned chemical expert reports and the study carried out by the engineer Juan María Cardoni on the rear axle and the deformations displayed by the parts that made up the rear wheel assembly, the experts Carlos Néstor López, Daniel Alberto Helguero and Raúl Arbor determined that the explosive charge used was calculated to contain at least 300 kg of ammonium nitrate, with the addition of aluminum, a heavy hydrocarbon and was probably sensitized with TNT and nitroglycerin.

Similarly, the chemical analysis presented on pp. 5638/5909 of the supplementary investigation file, conducted by Daniel Alejandro Converso, Hugo Ariel Iseas, Graciela Alicia González and Hugo Ricardo Pérez, members of the National Gendarmerie’s Forensic Police Department, together with the experts proposed by DAIA, AMIA and the “Group of relatives”, Alfredo Ignacio Saravi and Ricardo Torello, showed that 31 of the 34 samples of sheet metal taken at random revealed residues of nitrate, nitrite and ammonium, and that seven also contained traces of hydrocarbons with more than 14 carbon atoms, along with the engine block, which, in addition to these substances,

showed residues of trotyl—TNT—all of which are characteristic of an ammonium nitrate-based explosive.

In order to evaluate the amount of explosive material used and the place where it was detonated, a three-dimensional computational simulation was conducted, which reproduced the mechanics of the entire attack in a virtual manner. This study was entrusted to the engineers Bibiana Luccioni, Daniel Ambrosini and Rodolfo Danesi, belonging to the “Ing. Arturo M. Guzmán” Institute of Structures of the National University of Tucumán.<sup>67</sup>

Based on the building plans, the cadastral information, the damage report prepared by the Association of Structural Engineers, the expert reports on the mechanics of the explosion, photographs, videos and other information included in the case, a modeling analysis was conducted of the entire block of 600-700 Pasteur Street, in order to obtain the pressure distribution for various alternative scenarios in terms of the location and mass of the explosive, evaluated as TNT. This produced an initial estimate for the most probable location of the source of the explosion and the amount of explosive used. For this purpose the experts considered that the computer program “AUTODYN-3D”, together with the “Lagrange”, “Euler”, “Lagrange-Euler Arbitrary” and “Shell” processors connected to the IT system, was the most suitable means of resolving the question, since it was specifically designed to analyze the effects of impact and explosions.

Different amounts of explosive in different locations were evaluated, and an analysis was made of the influence that the dumpster situated in front of the AMIA / DAIA headquarters might have had on the way the attack unfolded. Based on the comparison between the levels of damage resulting from the different alternatives simulated and the actual damage confirmed using the information obtained in the investigation, the experts arrived at the following conclusions: “1) That the most likely location of the source of the explosion was determined to be the area delimited by the building line, a line parallel to it, displaced one meter towards the inside of the entrance hall to the building at 633 Pasteur Street, the axis of symmetry of the entrance door and a line parallel to that axis, displaced one meter and twenty-five centimeters towards Tucumán Street; 2) That, regardless of the type of explosive used, the equivalent amount of TNT is in the range of 300 to 400 kg; 3) That, if the amount of explosive used was equivalent to 400 kg of TNT, its most probable location can be placed within the entrance hall of the building at 633 Pasteur Street, one meter from the building line; on the other hand, if the amount of explosive used was equivalent to 300 kg of TNT, its most likely location is situated on the building line.

67 See pp. 615/616 of the supplementary investigation file.

In the case of intermediate amounts, the locations would correspond to intermediate positions; 4) That all the other alternatives simulated should be ruled out; 5) That the presence of the dumpster had no effect on the damage caused to the building at 633 Pasteur Street and 6) That in the event that the explosive charge had been aimed towards the building at 633 Pasteur Street, that aiming [of the bomb] did not prove to be completely effective; this conclusion is based upon the complete computational analysis of the destruction of the AMIA building.”<sup>68</sup>

Using the same computer tool, the experts presented the study included on pp. 7,296/7,348 of the supplementary investigation file, referring to the simulation of the structural collapse of the building at 633 Pasteur Street, as a result of explosive charges with a magnitude and location in accordance with the most probable limits obtained in the previous analysis. This study showed that, “.. the collapse of the building was caused by a gravitational mechanism produced by the destruction of most of the ground floor columns and the slab that was located above the basement of the front block, which, due to their proximity to the source of the explosion, were destroyed by the effect of pressure alone; those furthest away, however, were demolished by the traction exerted by the said slab when it was pushed upwards. Having been left without support, the upper floors thus began to fall, pulling down the rear section until they became detached from it along a line inclined backwards towards the top. Likewise, the ground floor walls transmitted the damage upwards, causing a significant increase in the pressure values on the upper floors, which, together with the action of the inner courtyards located in the middle section of the building, prevented greater structural impairment in the rear block, which remained standing.”<sup>69</sup>

In the opinion of the structural experts, the comparison of the final state of the building, according to the different scenarios analyzed, with the photographs obtained following the explosion, enabled them to conclude that the simulation carried out reproduced the mechanism by which the building had collapsed. Doctors Luccioni, Ambrosini and Danesi confirmed the points outlined above and explained that although all calculations had a certain margin of error, in this case the comparative analysis had demonstrated a broad agreement between the results simulated and the documented reality. Nonetheless, it was recognized that there were limitations to this type of study in the sense that it was virtually impossible, using existing computer resources, to reproduce each and every detail of the damage and collapse.

68 Judgment of Federal Oral Court n° 3, Chapter V.

69 Ibid.

Witness statements about the existence of the van

The statements given by witnesses who claimed to have been present on Pasteur Street, between Tucumán and Viamonte, on the morning of July 18, 1994 just before 9:53 am were cited during the oral debate. Some recalled having seen a van driving down Pasteur Street before the explosion, while others did not.<sup>70</sup>

Maria Nicolasa Romero and Carlos Rigoberto Heidenreich stated that they had seen a van heading along Pasteur Street moments before the detonation.

Romero indicated that she had been living at 2247 Viamonte Street since 1983 and that shortly before 10:00 am on July 18, 1994 she was walking her four-year-old son to the kindergarten located on Rincón and Venezuela, accompanied by her sister, when they were surprised by the explosion on the block numbered 500 Pasteur Street, just steps away from Tucumán. The witness recalled the following: "... as they walked along the odd-numbered side of Pasteur Street on the block numbered 600, the child let go of her hand and began to run, so she and her sister had to hurry to catch up with him at the corner of Pasteur and Tucumán; when they stepped down onto the road to start to cross Tucumán, all three were forced to step back onto the sidewalk to avoid being run over by a beige van, 'the color of milky coffee,' which was slowly driving down Tucumán and made a sharp right turn into Pasteur. She explained that this maneuver had caused her to take a look at the driver, whom she felt inclined to insult, and they had met each other's gaze for a moment. The individual—Romero recalled—was between 30 and 35 years of age, with a swarthy complexion, large eyes, dark hair cut in military style and was wearing a beige shirt. After the van had turned and having checked that no other vehicle was approaching, at least not close by, they had once again proceeded to cross Tucumán at a brisk pace. They had gone just a few meters along Pasteur and were approximately 'at the end of the window of a bar' located on the corner when the explosion occurred."<sup>71</sup>

She continued her account by saying that at that moment a young man walking in the opposite direction threw himself on top of them to protect them from the shock wave, shouting "a bomb, a bomb"; and that while they remained on the ground a shower of stones and pieces of masonry came raining down, but that once it had ceased, they continued on their way to the kindergarten. She added that in the afternoon, after picking up her son, she pointed out to her sister a van similar to the one she had seen prior the explosion and that the boy, who knew as much about makes of vehicles as any child his age, declared that it was a Trafic van, which neither woman had known. She clarified that she had mentioned a Trafic in her statement as one does when using a well-known brand to specify a certain product.

70 \*See the section entitled "The suicide driver" in Chapter IV.

71 Ibid.

The van, she recalled, had no side doors, signs, inscriptions or stickers, at least on the side she was able to see, and she recognized the “T-312” and “T-310” models of Renault Trafic, which she was shown in court, as being similar to the vehicle she had described.

Adelina Filomena Romero broadly confirmed her sister’s version of events, but did not remember the incident relating to a vehicle passing by as they were about to cross Tucumán Street, or the fact that her sister had made any comment to her about the vehicle or the explosion that day, or that she or her nephew had made any comments about a make or model of vehicle.

Rodolfo Ariel Caballero stated that following the blast, he had felt the ground rise up and had seen a black cloud. He also recalled having protected a woman and a child from falling objects, and the fact that they were accompanied by another woman. Among other things, he said he did not remember seeing a dumpster, or trucks, or vans, or a street sweeper, or vehicles double parked; nor did he recall any utility-type vehicle traveling along Pasteur. He also stated that he had heard the explosion without having had the chance to see it and that prior to that, he had not been aware of any particular noise that had caught his attention.

Graciela Brey, a colleague of Maria Nicolasa Romero’s at the “Maternidad Sardá” hospital in Buenos Aires, declared that the day after the attack Romero had told her about the incident, saying that moments before the explosion she had seen a van pass by that was “all closed up, of the kind used a lot lately for tourism” with a person inside who had looked at her.

Carlos Rigoberto Heidenreich also recounted the presence of a Trafic van on Pasteur Street moments before the explosion. He stated that he was the caretaker of the building located at 724 Pasteur Street and also stood in for colleagues in the buildings situated at numbers 727 and 732. At approximately 9:30 am on July 18, 1994 he had met with Ljudmila Birukov, a member of the administrative committee of number 732, on the sidewalk outside the building and had they struck up a conversation. He recalled that while they were talking, they had seen Rebecca Jurin, who later died as a result of the explosion, pass by, and that when the conversation with Birukov came to an end, he had crossed Pasteur in the direction of the chamfered corner with Viamonte on his way to a building administration office located on that street. He clarified that, “... before reaching the sidewalk, at the intersection of Pasteur and Viamonte, he was struck by the fact that there were no vehicles travelling down Pasteur, and simultaneously ‘out of the corner of his eye’ he caught a glimpse of a ‘van coming along,’ although he did not recall whether this was from ‘before or after’ Tucumán. He then continued along Viamonte for a few meters and just as he was

about to ring the bell of the administration building, the explosion occurred, as a result of which he was catapulted inside. He also recalled that at first he had thought that there had been an earthquake, but when he then went out and saw from the corner of Viamonte and Pasteur ‘the mushroom cloud that was rising up, the dust, the earth, everything ...’ and the debris scattered ‘along of the sidewalk,’ he realized that the AMIA center had been blown up.”<sup>72</sup>

Heidenreich stated with regard to the van that it was a Renault Trafic, which was “whitish” in color and a “common model”, “one of the first to come out”, but he was not able to say for sure whether it had a side door since he had seen it from the front. He estimated that it was travelling at the necessary speed to reach the AMIA center from the spot where he had caught sight of it in less than a minute. He acknowledged that it was when it came to light that parts of a Trafic van had been found that he had linked that vehicle to the car bomb.

Ljudmila Birukov recalled the encounter with Heidenreich at around 9:40 am and said that when she had crossed Pasteur heading towards Córdoba Avenue she had looked to her right to make sure there were no vehicles coming and that, after continuing on for a few meters, she had heard a loud and heavy thud, which she compared to the sound caused by a collision between a vehicle and a hard surface, and moments later came the explosion. She stated that after the bombing Heidenreich had made no comment to her about a van travelling along Pasteur.

Meanwhile, Nérida Felisa Rosales de Testa, the caretaker of the building at 2295 Viamonte, which housed the offices of the administration consortiums “Planetarium” and “Schmahl and Cia”, stated that at one minute to ten that morning, while she was in the entrance hall of the building, she had felt an explosion and then gone out onto the sidewalk. She stated that during the time she remained inside the entrance she had not seen anyone who might have rung the doorbell or entered the building, except for the watchman. She declared that the offices did not open until 10:00 am and that she did not know Carlos Heidenreich. Two employees of “Planetarium” also stated that no caretaker had been there that morning, prior to the explosion, that the building at 427 Pasteur was not among its clients and that they did not know Heidenreich.

The court concluded that a review of the testimonies together with the rest of the evidence demonstrated “the presence of a van with similar characteristics to the one that detonated in front of the AMIA headquarters, on the block numbered 600-700 Pasteur Street moments before the blast.”<sup>73</sup>

72 Ibid.

73 Ibid.



However, on the other hand, it was pointed out that many individuals who were in the vicinity of the AMIA center at the time of the explosion did not notice the van's presence. The testimonies of the following individuals were cited in this regard: Juan Carlos Álvarez, Jorge Eduardo Bordón, Gustavo Alberto Acuña, Gabriel Alberto Villalba, Daniel Eduardo Joffe, Rosa Montano de Barreiros, Daniel Osvaldo Saravia, Osvaldo Héctor Pérez, Isidro Horacio Neuh, José Eduardo Marzilli, Irena Rosa Perelman, María Josefa Vicente, Adriana Inés Mena, Juan Segundo Canale, Néstor Omar Corsetti, Rafael Jesús Lezcano, Ángel Antonio Castillo, Jorge Enrique Kaiser, Marcial César Peleteyro, Gustavo Guillermo Spinelli, Ramona Miño, Juan Carlos Espada, Leonor Marina Fuster and Angélica Esther Leiv. Also presented were the testimonies of people that were inside premises and homes located in the affected area at the time of the explosion, who stated that they had not heard any unusual noise prior to the explosion, or seen anything out of the ordinary. Such was the case of Mónica Beatriz Barraganes, Dolores Insúa Calo, Aldo Ernesto Macagno, Walter Rubén Ventimiglia, Sergio Luis Bondar, Héctor Eduardo Leoncio Lupi, Marta Beatriz Massoli, Jorge Osvaldo Ferretti, Mario Ernesto Damp, María Beatriz Rivera Méndez, Blanca Ofelia Castillo Villanueva, Horacio Diego Velásquez, Arturo Gritti, Jorge Gabriel Taibo, Ariel Fernando Isgro and Telma Beatriz Díaz de Martínez.

The court stated that although numerous persons who were close to the epicenter of the explosion were unable to provide any information about the way in which the attack was carried out, according to what was deemed to have been proven—Villalba, Acuña, Bordón and Álvarez in particular declared the non-existence of the Traffic van—“... such testimonies do not in any way alter the anticipated conclusion, as claimed in their arguments by the defense counsels for Telleldin, Ribelli, Ibarra, Bareiro, Leal and Nitzcaner.”<sup>74</sup>

It was noted that the seizure at the bombing site of numerous parts of a motor vehicle that were installed and functioning at the time of the explosion,<sup>75</sup> which also displayed cracks and deformations compatible with a detonation; the traces of explosive material found on them; the extraction of such parts from the bodies of two of the victims killed in the blast; the place where the detonation occurred, that is to say, in the area adjacent to the entrance of the building; and the testimonies of Maria Nicolasa Romero and Carlos Rigoberto Heidenreich, in addition to the other items of evidence evaluated, constituted conclusive and irrefutable proof of the vehicle's existence.

74 Ibid.

75 According to the aforementioned expert report pp. 30,761/30,764.

Without calling into question the honesty of the witnesses' statements, it was noted that in order for a testimony to provide sufficient proof of the events described therein, it was necessary that it should not contradict more convincing evidence.<sup>76</sup> In this regard, it was pointed out that it was not surprising that the abovementioned individuals did not notice the Traffic van pass by along Pasteur on the block numbered 600-700 prior to the explosion given that, in addition to being a fleeting and unremarkable occurrence, it was commonplace in the area, which was characterized by the continuous movement of vehicles loading and unloading. It was also stressed that many of the witnesses had their backs to the van as it came along Pasteur Street and that others who might have been in a position to observe its approach stated that their attention was focused on other things or that, at any rate, they were not paying attention to the flow of traffic. It was also mentioned that the individuals' perceptions and the retention of them in their memory could have undergone alterations due to the magnitude of the explosion.

Lastly, it was stated that the fact that the witnesses had not heard the noise caused by the collision of the van with the front of the AMIA building, its acceleration or the sudden turning of the wheels, did not change the position adopted either, since these claims had not been supported by any of the evidence produced during the oral debate.

#### Questions raised about the use of the Renault Traffic van as a car bomb

Some of the defense attorneys questioned the alleged use of a van loaded with explosives to carry out the attack, since they believed that the expert reports conducted to explain the mechanics of the explosion proved insufficient. They affirmed that it had not been possible to rule out the hypothesis that the explosive had been inside the AMIA center, arguing that it could have entered the premises disguised as building materials. It was pointed out that Telleldín's defense had cited the testimony of the explosives expert Hugo Ariel Iseas, who claimed that ammonal could not be discovered using metal detection mechanisms and that at the time of the attack there was no specific method to detect explosives; and that of AMIA's head of security, Aharón Edry, who had not been able to state for certain that such controls existed in the institution. He also indicated that the small scale of the damage confirmed in the building opposite the AMIA center showed that it was an internal explosion.

However, the court ruled out this hypothesis, "... since it is at odds with the discovery in the area of the crime scene of numerous constituent parts of a Traffic van

76 Hernando Devis Echandía, "Teoría General de la Prueba Judicial," Ed. Biblioteca Jurídica Diké, 4ª. Edición, Medellín 1993, T.II, p. 113 on.

which displayed cracks and deformations typical of an explosion of that magnitude. Furthermore, the place where the explosive charge was detonated—the entrance to the building—and the testimony of the witnesses cited in section A.19 of this chapter, while supporting the conclusion arrived at by the court, rule out the hypothesis put forward by the defense.”<sup>77</sup>

It was pointed out that the court had summoned the staff from some of the firms that supplied materials and services to both AMIA and the construction company “GPI” in charge of the work being carried out at the institution, such as the sales assistants of the building materials yard “Mazzotta S.A.,” the workers of the aforementioned construction company, the employees of the cleaning company “Limpser” and the carpenter from “Ofice S.A.”. The testimony of those individuals did not produce any evidence to support, in the slightest, the version put forward by the defense teams.

The construction materials were supplied by the aforementioned yard and, according to the statements of Francisco Mazzotta, Jorge Osvaldo Mascarucci, Horacio Ismael Irigoitia and Gerardo Omar de Souza Rosa, were loaded by the “bag men” on the firm’s parking lot and sent by the company’s drivers to the building at 633 Pasteur Street. Once there, they were unloaded by the “GPI” workers and subjected to thorough checks by the building’s security staff. They stated that the bags of lime, cement or sand were perforated using wires in order to check what was inside and they were also scanned by a metal detector. The driver Irigoitia explained that if there was ever any doubt, the security guards would tip the material onto the floor to check the content. The administrative employee De Souza Rosa added that the architect Malamud was a regular client of the firm and that prior to the work at the AMIA center they had delivered materials to him at other sites.

For their part, the foreman of “GPI”, Julio Barriga Loaiza, and the laborer Policarpio Cruz Loaiza, who worked in the building during the entire duration of the renovations, including on the day of the explosion, as well as the head of the firm, Fernando Isaías Solla, did not point to any irregular circumstances regarding the entry or storage of materials inside the AMIA building. They also corroborated the security procedure implemented to oversee the building materials, the way in which they entered the building and the firm’s close business relationship with the supplier of materials Mazzotta.

It was noted, in addition, that the plumber José Ernesto Millán, the ironsmith Roberto César Rebollo, the painter Ramón Benicio Domínguez, the cleaning service employees Eduardo Enrique Zabala, Cristian Enrique Alberto Broin and Norma

Gladis Mansilla, the carpenter Martín José Viudez, the electrician Daniel Eduardo Joffe, the bricklayer José Longo and the architect Claudio Alejandro Weicman had corroborated the security measures that were taken to monitor the materials and none had pointed to any circumstance whatsoever that might have caught their attention involving the presence of substances other than those commonly used for construction.

The mere fact that on the ground floor of the building, about five meters from the door, materials for the building work were stockpiled, as stated during the oral debate by Barriga Loaiza, Cruz Loaiza, Solla, Weicman, Juan Alberto López and other witnesses, in no way gave cause to suggest that those elements had been used to surreptitiously bring in explosives; especially when the evidence produced at the trial demolished this hypothesis and no proof of such a theory was found during the course of the oral debate.

On the other hand, another defense team stated that it was not possible to rule out the use of the dumpster belonging to the company “Santa Rita”, which had been deposited outside the AMIA center moments before the attack, and that confirmation of that line of investigation would exempt their client of responsibility.

The defense attorneys stated that it had not been proven that on July 18, 1994 the “Santa Rita” dumpster service had been contracted, since no telephone exchanges had been confirmed; the dispatch note that supposedly certified the delivery of the dumpster had not been signed by Andrés Gustavo Malamud, despite the fact that his name was on it; the evidence produced in the oral debate had not been able to determine who had requested the dumpster that was deposited, after the one left at the AMIA center, at 2657 Constitution, just meters away from the home of Alberto Kanoore Edul, who, among other things, had called Telleldín on July 10, 1994;<sup>78</sup> employees of the firm “Santa Rita” had stated that they had visited the scene following the explosion to remove debris from dumpsters, which they later unloaded on the company’s premises, contradicting what was established by the investigation; the owner of the company, Nassib Haddad, was born in Aynata, Republic of Lebanon, the birthplace of Ayatollah Fadlallah, one of the founding leaders of Hezbollah, with whom, according to a memorandum contributed by DAIA’s legal team,<sup>79</sup> he had a blood relationship; Haddad was the owner of a mining company that had resumed its industrial operations a few months before the attack and purchased ammonal to carry out work at the “Casa de piedra” dam, part of which, according to the expert report by Carlos Néstor López, could not be accounted for; this individual had experienced a significant increase in wealth during the year of the bombing; and the

78 \*See the section entitled “Alberto Jacinto Kanoore Edul” in Chapter V.

79 p. 520 of file 74.

damage to the dumpster was considerably greater than that suffered by the Renault 18 patrol car, despite being located at the same distance from the epicenter of the explosion.<sup>80</sup>

The court put aside those questions that exceeded the procedural objective of the oral debate since they were related to individuals not on trial in that forum.

The testimony given by the employees of the company “Santa Rita” Juan Alberto López, Raúl José Díaz and Laura Beatriz Rivero, revealed that the dumpster had been ordered by telephone in the early hours of the morning of July 18 by Malamud and that, after taking the order, Díaz had entrusted it to López along with the one delivered to 2657 Constitution Street, which had been requested by a new client by the name of Alejandro. López stated that the dumpster had been received in person by Malamud, who had signed the corresponding dispatch note, and that as he was heading to Constitution Street he heard the roar of the explosion. López and Díaz also mentioned that the dumpster delivered to the AMIA center was empty and that Malamud was a regular customer who had provided other dumpsters for the institution on previous occasions.

Added to these testimonies were those of Barriga Loaiza and Cruz Loaiza concerning the fact that on that Monday a dumpster was needed because on the previous Saturday they had cleared up the debris from the renovation work; that of the architect Claudio Alejandro Weicman regarding his impression that Malamud had requested a dumpster that morning by telephone; and those of Gabriel Omar Gutesman, Jorge Eduardo Bordón, Ernesto Víctor Ini, Daniel Eduardo Joffe, Hilda Ester Delescabe of Díaz, Bernardo Kogan, Manuel Jose Olascoaga and Jose Ernesto Millán, who recounted that the dumpster had indeed been delivered in front of the AMIA center minutes before the explosion. Kogan claimed that the dumpsters transported by the truck were stacked one on top of another, which is why they necessarily had to be empty. This assertion was supported by Juan Carlos Alvarez, who said that he had thrown some papers inside, and both Bernardo Kogan and Rosa Montano de Barreiros, who had walked past the dumpster in question.

Moreover, the dispatch notes and invoices accompanying p. 2,235 of the main investigation report and p. 626 of file 74 provided sufficient evidence of the commercial relationship between the firms “Santa Rita” and “GPI”. Further statements were provided by Fernando Isaías Solla, the brother-in-law of Andrés Gustavo Malamud and his partner in the firm “GPI”, in which he pointed out that at the beginning of the renovation work more dumpsters had been required due to the demolition that took place on the fourth floor of the building.

80 \*See the section entitled “Nassib Haddad and sons” in Chapter V.

With regard to the conclusions of the calligraphic analysis on pp. 5053/5069, which ruled out the handwriting of Andrés Gustavo Malamud on the dispatch note of July 18, 1994, it was pointed out that the actual delivery of the dumpster on that day was proven by the above-mentioned testimonies and by photographs No. 3 and 9<sup>81</sup> showing the remains of a dumpster with the partial inscription of “Santa Rita” and the company’s telephone numbers. In addition, the conclusions of the expert report on pp. 31.458/31.461, which determined that the handwriting in question belonged to the same person as that found on dispatch note No. 2646—of May 15, 1994—suggested that whoever had signed both documents under the false identity of Malamud had done so for the sole purpose of confirming the delivery of the two dumpsters and authorizing their receipt. It was also noted that the details described by the driver of the “Santa Rita” truck, Juan Alberto López, were in line with the waybill presented on p. 1939.

Finally, with respect to the defense’s conclusion regarding the damage suffered by the dumpster when compared to the other vehicles parked on Pasteur Street, in particular the patrol car, it was stated that, in addition to being mere conjecture, it failed to take into account the greater proximity of the dumpster to the source of the explosion.

Another of the issues raised by the defense teams was the presence of a helicopter during the night prior to the attack, which, in their opinion, had not been investigated in a satisfactory manner. In this regard, it was stated that based on the evidence produced in the oral debate it had been established that, between the night of July 17, 1994 and the early hours of the following day, a helicopter had flown over the building located at 633 Pasteur Street, at low altitude, for several minutes. This assertion was backed up by the statements of Enrique Antonio Cárdenas, Lidia Bernardita Cazal Martí, Martín Rubén Strajman, Mario Alberto Chencinski, Sara Rosa Goldsztein, Gabriel Omar Gutesman, Isaac Szterenbaum, Marta Nilda Portela, Maria Isabel Lima Ponce, Eduardo David Medina, Maria Josefa Vicente and Remo Carena.

Enrique Antonio Cárdenas stated that around 2:00 or 3:00 am on July 18, 1994, while he was keeping watch over an illegally occupied house near the intersection of Viamonte and Pasteur, he had heard the sound of a helicopter circling the AMIA building. Meanwhile, Remo Carena said that on that day, at the same time indicated by Cárdenas, he was struck by the fact that a small, dark-colored helicopter had flown over the AMIA center at low altitude, circling the building. His spouse, Maria Josefa Vicente, also recalled during the debate that on the night before the attack, at around 3:00 or 4:00 am, her husband had called her from the balcony to point out a

81 Contained on p. 615/616 of the supplementary investigation file.

helicopter that seemed to be about to land on the AMIA building. She added that the aircraft hovered about four or five meters above the Jewish community center and a neighboring building for one minute before flying off in a westerly direction.

Lidia Bernadette Cazal Martí, a housekeeper at 632 Pasteur stated that on Sunday, July 17, at around 9:00 pm, she had caught sight of a helicopter hovering over the buildings in the area for about fifteen minutes, and it seemed to her “very strange that it was flying so low and right in front of the AMIA.” Similarly, Sara Rosa Goldsztein also remembered having heard the noise of a helicopter on the night of July 17, while in her home at 676 Pasteur Street; whereas Maria Isabel Lima Ponce, of 651 Pasteur Street, stressed that on that night, in addition to hearing strange noises above the roof of her house, she had seen lights emanating from a flying object.

Martin Ruben Strajman recounted that on the night before the attack he had heard a helicopter flying over the area for about eight or ten minutes and coming increasingly closer, until it seemed as though the aircraft was perched on the terrace of his building, located at 632 Pasteur Street, where it remained for about two or three minutes. He clarified that although helicopters frequently passed over the area, it was never in the way he heard that night.

Likewise, Isaac Szterenbaum explained that on the Sunday before the attack, in the early hours of the morning, he had noticed that a helicopter was circling the AMIA building, something he described as completely out of the ordinary and of which he had informed the SIDE personnel when he was interviewed a day or two after the bombing, at which time he was surprised by the fact that the interviewer has omitted to question him about the incident saying that “he already had knowledge of it”.

Eduardo David Medina, Mario Alberto Chencinski and Marta Nilda Portela, residents of 569, 676 and 783 Pasteur Street, respectively, all stated that on the night of Sunday, 17—the last two placed it between 10:00 and 11:00 pm—they had heard the sound of a helicopter flying very low. Finally, Gabriel Omar Gutesman also noticed a helicopter flying over at that time, about three blocks from the place where the attack was carried out.

In order to corroborate this and explain the reasons for the flyby, the court summoned to the debate hearing Guillermo Roberto Filmare, Jorge Eduardo Bianchi, Carlos Alejandro Aguilar, Julia Alejandra Espeche, Eduardo Nogueras, Gustavo Zunino, Alberto Apolinario Gómez and Mauricio José Francisco Segurado, who had worked as air traffic controllers at the Jorge Newbery city airport in Buenos Aires on July 17 and 18, 1994, along with Argentine Air Force Commodores Juan Miguel Eduardo Maclay and Carlos Alberto Maffeis.

The air traffic controllers agreed that around the time of the attack it was possible for a helicopter to fly over the city without being detected by the aeronautical authority. Carlos Aguilar, on duty from July 17, 1994 until the morning of the following day, did not remember there having been any incident involving flights during that period of time.

At the request of the investigating judge, the then Commodore Juan Maclay and the then head of the PFA's Air Squadron, Commissioner Norberto Gaudiero, reported on the helicopter flights made in the Federal Capital on July 17 and 18, 1994 between 8:00 pm and midnight and between 6:00 am and 10:30 am, respectively.<sup>82</sup> It was noted that the information provided was inexplicably incomplete since numerous residents had reported having observed the aircraft in the early hours of July 18.

On the basis of this report and the one provided on p. 29,907 concerning the PFA helicopters that travelled to the disaster zone on the morning of July 18, the pilots of that institution Sebastián Ziliotto, Luis Alberto Acevedo, Mariano Julián Panzini, Miguel Ángel Vila, Fabián Oscar Rojas, Nilo Ruiz Díaz, Pablo Alejandro Santano, Marcelo Pittis, Claudio Serrano, Hugo Corti, Manuel Rueda, Diego Andersen and Omar Aldo Parisi were summoned to court, all of whom denied having hovered over the AMIA building or illuminated the area with a reflector on the night of July 17 or in the early hours of the following morning.

Moreover, on p. 64,718 it was reported that there were no helicopter flights registered at the aerodromes in the towns of La Matanza, Quilmes and Morón, in the Province of Buenos Aires.

The court thus concluded that although the evidence produced during the debate had confirmed the helicopter flyby, it had proved to be insufficient to establish the origin of the aircraft and the reasons for the flight. It was clarified that it was now impossible to provide the court with information relating to flights made between midnight on July 17 and the 6:00 am on July 18, and to those that might have been taken off from Ministro Pistarini International Airport and from the airports of Don Torcuato, San Fernando and San Justo, since this information had since been destroyed.

#### Discovery of the engine

In order to decide on the arguments of invalidity put forward by the public prosecutor's office and the various defense teams in relation to the record on p. 224 of the Preliminary Report, which recounted the discovery of the remains of an engine among the rubble of the AMIA building, a review was conducted of the statements

82 See pp. 2863/2864, pp. 3407/3408 and p. 63,609



made by those who carried out the procedure, as well as the other items of evidence that helped to elucidate the matter.

An analysis was made of the information presented in the record on p. 24, which was then contrasted with the evidence produced during the debate. It was pointed out that in this document, Deputy Inspector Horacio Ángel Lopardo had stated that, since they were related to the crime under investigation, at 7:05 pm on July 25, 1994, on Pasteur Street, between Tucumán and Viamonte, in the presence of the witnesses Gustavo Hernán Moragues and Pablo Garris, he had sequestered, “the remains of an engine bearing vehicle number (2831467) and its crankcase with oil pump; these were sighted while being tipped into a truck on the shovel of a backhoe loader, which had scooped them up along with rubble approximately ten (10) meters from the municipal building line, on the right side of the AMIA site. I certify that the witnesses have read and signed this document in my presence.”<sup>83</sup> The instrument was signed by the persons named therein.

It was clarified that the statements made by Moragues and Garris were unpersuasive since they differed from the version they had provided at an earlier stage, added to which both had acknowledged having signed the record without reading it. It was also argued that Carlos Felipe Lugo had added even more confusion when he stated that Garris was not at the site at the time the evidence was seized, that the engine had never entered the premises at 660 Pasteur Street and that it had therefore never been shown to Moragues inside the store.

It was thus concluded that the seizure had evidently not been carried out as stated in the record. In this regard, Lopardo affirmed that neither he nor the witnesses had seen the engine being removed by the mechanical shovel that had picked it up; Moragues said that both he and Garris were inside the store and were therefore unable to provide any details on the matter, while Garris offered an unlikely account of the episode. Lopardo himself admitted that he had recorded in the document events that had been recounted to him by those who had participated in the find, whom he was not able to identify.

It was added that there was no evidence whatsoever to confirm the version of events entered into the record: namely, that the remains of the engine, its crankcase and the oil pump had been spotted while being tipped in a truck. On the contrary, Nahum Frenkel, Zeev Livne, Dani Dror, Alberto Szwarc and fire department staff stated that once it had been extracted from the rubble, the engine had been loaded onto a shovel and taken to the Israeli forces tent.

The court thus stated: “... it is deemed necessary to declare null and void the record

contained on p. 224 of the Preliminary Report by the Department of Explosives and Special Risks of the Superintendency of Firefighters (articles 138, 139, 166 and concordant articles of the Argentine Criminal Procedural Code) and, consequently, to extract testimonies to be submitted to the court with jurisdiction in the matter in order for it to investigate the alleged crime of ideological falsification of a public document, committed by Pablo Marcelo Garris, Gustavo Hernán Moragues and Horacio Ángel Lopardo. However, such a conclusion does not prevent the court from considering the discovery to have been proven by other means of evidence the value of which remains unchallenged...”<sup>84</sup>

On this point, the court cited the declarations of Nahum Frenkel, a senior officer in the Israeli army, who recalled that late in the afternoon on July 25, 1994 he had lifted from among the rubble scattered over the AMIA site an engine block that was later found to be engraved with the number 2831467, adding that this item was discovered under a concrete beam, which had to be cut in order to get it out. In addition to considering his statements to be truthful, it was added that other events he had related had shown a suitable correlation with the rest of the evidence.

The testimonies of Dani Dror, Zeev Livne, Guillermo Pedro Scartascini, Daniel Roberto Seara, Alberto Angel Carita and Alberto Szwarc confirmed the version offered by Frenkel regarding the fact that once it had been removed from among the rubble, the engine was deposited on the sidewalk across the road from the AMIA center, near to the tent, where the item was photographed and the number stamped on it was established, before being highlighted with chalk.

Also added in this regard were the photographs provided by the Israeli personnel on pp. 25,677/25,681, which showed the engine parts;<sup>85</sup> the identification of parts carried out on the morning of July 26 by representatives of the firm “CIADEA S.A.”;<sup>86</sup> the expert report included on pp. 30,761/30,764 of the main investigation report, concerning the cracks and deformations displayed by the parts; and the study on pp. 5638/5910 of the supplementary investigation file, which determined that the engine block revealed traces of the components of an ammonium nitrate-based explosive.

The court noted that based on the above-mentioned elements it was possible to conclude that the parts that made up the engine had been found in the circumstances described by Frenkel in his account, in accordance with the statements by Dror, Livne, Scartascini, Seara, Carita and Szwarc.

However, attention was drawn to the “inadmissible” omission committed by the

84 Ibid.

85 See in particular, the top part of photograph on p. 25,678, in which the highlighting in question can be seen.

86 See p. 32 of the Preliminary Report.

police officers on site at the time of the discovery, who made no attempt to establish how and where it took place or to indentify the people involved. Nevertheless, such omissions did not justify dismissing the evidence proving that the discovery had indeed taken place, as Telleldin's defense claimed.

The discovery of the engine parts was questioned by the various defense teams, but these objections were overruled by the court.

### **The investigation into the Renault Traffic van**

The Renault Traffic belonging to "Messin"

In regard to the Traffic van used as a car bomb, it was considered proven, "... that engine block No. 2,831,467, found among the rubble of the AMIA headquarters building, originally belonged to a Traffic Model Renault vehicle, with 1990 license plates, number C 1.498,506, chassis number T310-003325, which was short chassised, 'chapelco' white in color, with a 1400 cc gasoline engine, fitted with a with natural gas tank, equipped with a covered cargo compartment and a side door, registered to the firm 'Messin SRL'—composed of Daniel Aaron Cassin and Isaac Pedro Meta—and whose last known owner was Carlos Alberto Telleldín. It was also established that on March 7, 1994, the van in question caught fire at the parking lot located at 1800 Alsina Street, and the claim was dealt with by the insurer of the vehicle, the company 'Solvencia,' which belonged to 'Grupo Juncal'. As a result of the loss, the owner received USD \$16,000 in compensation, \$13,000 of which was paid out by the insurance company on April 21 of that year—after discounting a number of overdue installments of the insurance policy—and the remaining \$3,000 on 29 of that same month and year by the agency 'Automotores Alejandro SRL,' a company owned by Alejandro Monjo dedicated to selling damaged vehicles. It was thus established that 'Automotores Alejandro' acquired the remains of the burned-out Traffic van, which were taken away by Luis González on March 23; in turn, these were bought in the same condition by Carlos Telleldín under the name of Carlos Alberto 'Teccedin,' a transaction that was carried out through an invoice dated July 4, 1994. Neither the transfer by 'Messin SRL' to 'Automotores Alejandro,' nor that made by this agency to the defendant Telleldín was reported to the Motor Vehicle Registry."<sup>87</sup>

With respect to the identification of a vehicle from its engine number, testimony was provided by Alfredo Daniel Díaz, Oscar Jorge Pricolo, Mariano Alberto Durand, María Ester Bruzzo, Alejandra Ema Fescina, Gerardo Celso Luppi, Mirta Lilia Mazzitelli and Carlos Edgardo Coppini. Further statements, relating to this specific

87 Judgment of Federal Oral Court n° 3, Chapter VI.

case, were heard from Carlos Néstor López, Raúl Arbor, Daniel Alberto Helguero, Rubén Ramón Fígoli Ibáñez, Jorge Luis Lucas and Horacio Antonio Stiuso.

These revealed that, once the engine had been found among the rubble of the AMIA building, the PFA Explosives Department had been informed of the fact, and the Motor Vehicle Registry had then been contacted for clarification about its owner. This agency had rapidly reported that the engine number was registered to a Traffic van owned by the company “Messin”, which had been communicated to the Department for the Protection of Constitutional Order.

It was added that, prior to the discovery of the engine, SIDE personnel had already contacted the Motor Vehicle Registry for the purpose of drawing up a list of Traffic vans by engine, chassis and license plate number; the existence of this list enabled the information about the vehicle to be located quickly and easily once the engine had been found.

The record on p. 215 showed that on July 25, 1994 the PFA’s Motor Vehicle Theft Division had reported that engine No. 2,831,467 corresponded to a Renault Traffic van with license plate C 1.498.506, without legal impediment, the owner of which was “Messin SRL”, domiciled at 1140 Paraná Street.

According to file B of National Motor Vehicle Registry No. 50, the vehicle was a Renault Traffic van with 1990 license plates, chassis number T310-003325, and the abovementioned firm had been registered as the sole and last owner since the initial registration had been requested on December 14, 1989. The file also revealed that, according to invoice No. 2843, “Messin” had purchased the van from “F.O. Diaz S.A.” the day before its registration;<sup>88</sup> and that Pedro Isaac Meta was registered as the owner’s legal representative.

For its part, the company “Renault Argentina S.A.” reported in the letter on pp. 28,201/28,203 that the engine belonged to a short chassised Traffic with a 1400 cc gasoline engine, model T310, series 003325, with “chapelco white” paintwork, upholstered in hazelnut vinyl, billed to the dealership “Francisco Osvaldo Díaz S.A.”. The said vehicle was among those produced by “CIADEA” during the period from April 1987 to November 1989.<sup>89</sup>

The DPOC record included on p. 221 showed that the “Messin” Traffic van had caught fire on a public thoroughfare on March 7, 1994, according to the report filed with Federal Police Station No. 6.

Based on the testimony of those involved in the proceedings, it was revealed that, once the owner of the van had been identified, a visit was paid to the address

88 See also p. 230.

89 See. p. 12,804.

provided in the report, where it was explained that the van had caught fire early that year and had therefore been turned over to an insurance company. The insurer “Juncal” reported that the vehicle had been acquired by “Automotores Alejandro”, an agency dedicated to the purchase and sale of damaged vehicles. A visit to the agency produced the invoice for the sale of the van, on July 4, 1994, to an individual by the name of “Teccedin”, whose address was registered as Jonas Salk Street, at a number that turned out not to be genuine, along with a telephone number through which the address at 107 República Street was located.

It was added that, due to the van catching fire, the insurer had given “Messin SRL” a settlement of \$ 16,000, \$ 13,000 of which was paid out by the company and the remaining \$ 3000 by “Automotores Alejandro”.

The acquisition of the van by Carlos Telleldín was confirmed by invoice No. 0000-00001126 from “Automotores Alejandro” dated July 4, 1994, made out to Carlos Alberto “Teccedin”, (military) enrollment booklet No. 14.536.215, residing at 2878 J. Salk Street in Olivos.<sup>90</sup> In addition, on p. 276 was the photocopy of a computer print-out, provided by Gabriel Meli, corresponding to the database of the company “Automotores Alejandro” which recorded the sale to Carlos Alberto “Teccedin”, of the Traffic C 1.498.508, whose other data coincided with those on the abovementioned invoice, except for the license plate number, which differed by one digit; and invoice No. 1126—the original—from “Automotores Alejandro”, which was seized on December 27, 1994 during a raid one of Telleldín’s homes, located at 2462 Roosevelt Street, 3rd floor, apartment “A” in Buenos Aires.

Furthermore, on July 26, 1994, the DPOC established that the address that appeared in the documentation was non-existent and that, according to the National Registry of Persons, National Identity Document No. 14,536,215 corresponded to Carlos Alberto Telleldín, domiciled at 2798 J. Salk in the town of Olivos, born June 25, 1961 in Sáenz Peña, Province of Buenos Aires, to parents Raúl Pedro and Lidia Seeb.<sup>91</sup>

To this were added the witness statements provided by the employees of the sales agency, some of whom described Telleldín as a regular customer of the firm.

Ana María Boragni provided a copy of the registration papers of the vehicle with license plate number C 1.498.506 in the name of “Messin SRL” and three “08” forms n° 05437671 for that vehicle on which the seller or transferring party appeared as Isaac P. Meta, in his capacity as legal representative of that company, with the remaining details having been left blank.<sup>92</sup>

90 See. p. 276 reverse side.

91 See record on p. 272.

92 See. pp. 307 and 309/310.

Finally, when giving evidence in court, Ana María Boragni at first claimed that Telleldín had bought the aforementioned Trafic van from Alejandro Monjo separately and not as part of a job lot with other vehicles, a fact she later contradicted when she stated that it might have been purchased in a job lot along with a Renault 9, and the vehicles then collected individually. She explained that her husband often bought job lots of vehicles and that, due to a lack of money or space to store them, he would pick them up one at a time. She did not remember whether following the attack Telleldín had asked Monjo to make any changes to the sales invoice for the Trafic.

Carlos Alberto Telleldín explained that his work in the automotive sector consisted in buying damaged vehicles and fitting their engines into other bodyworks of illicit origin, before then selling them on using the documentation belonging to those legally acquired. He stated that in 1994 he used to buy job lots of vehicles from dealerships including the one run by Alejandro Monjo, with whom he arranged the payment, while the collection of the vehicles was dealt with by the employees, who would also hand over the documents and make out the invoice. In was in that context, he said, that in March of that year that he had obtained the “Messin” Trafic van, which was part of a job lot of about ten vehicles, and which might have been the one shown in the photograph on pp. 233/239, although it appeared to be in better condition.

In this regard, the following was established: “Carlos Alberto Telleldín, under the surname ‘Teccedin’, purchased the burned-out Trafic van belonging to ‘Messin SRL’ at the dealership ‘Automotores Alejandro SRL’, where he was a regular customer, with the real intention of also obtaining its documentation. This transaction was carried out, as in other cases, thanks to the fact that instead of settling the claim as a total write-off of the vehicle and paying out the entire compensation—which would necessitate removing the vehicle from the corresponding register—the insurance company “Solvencia” cynically described it as a partial write-off, enabling it to keep the vehicle on the registry and, thus, validly use its documentation. In this way, the insurance company avoided having to pay the amount of compensation due for the total write-off of the vehicle and was able to transfer part of its contractual obligation to a third party, in this case ‘Automotores Alejandro.’”<sup>93</sup>

#### The removal of the engine

The court deemed the following to have been proven: “... at the request of Carlos Alberto Telleldín, on July 4, 1994 the van that had belonged to ‘Messin’ was transported from ‘Alejandro Automotores’ to the home of Claudio Guillermo Miguel Cotorras, located at 3785 Adolfo Alsina, in Villa Martelli, province of Buenos Aires.

There, that same night, in the presence of Hugo Antonio Pérez, Ana María Boragni and Telleldín, and at the latter's request, Cotoras removed the engine from the Trafic and placed it in the trunk of a Ford Escort in which it would later be taken away. It was confirmed that the burned-out bodywork was deposited in front that address until it was removed, although it was not possible to establish by whom, when or to where it was taken. Nor was it possible to reliably determine what became of the engine that was removed under those circumstances."<sup>94</sup>

This was supported by the statements given by Eusebio Sanabria, Gabriel Eduardo Pittaluga, Héctor Carlos Pellegrini, Jorge Omar González, Oscar Mario Beitía, Ramón Weiss, Héctor Alberto Spelta, Laura Marcela Scillone, Walter Gregorio Fernández and Ana María Boragni. In addition, the record of the police raid included on p. 379 and the photographs on pp. 114/115 of the Annex 'Court orders and forensic tests' detailed the items seized.

Eusebio Sanabria, recounted the transportation of the "Messin" van from the dealership "Automotores Alejandro" to a workshop on Alsina Street. Walter Gregorio Fernández, a neighbor of Guillermo Cotoras' workshop, recalled having seen a white van there prior to July 5, 1994, which might have been a light-colored, burned-out Renault Trafic, as he declared in his statement on p. 12,649/12,651; although when shown the photographs from pp. 233/236, he said he did not remember having seen anything so badly burned. In addition, he stated that on a couple of occasions Telleldín had gone to make a purchase at the kiosk he owned next door to Cotoras' place, where he also thought he had seen him one time.

In addition, the record included on p. 379 described the search carried out on July 28, 1994 at the home of Claudio Guillermo Miguel Cotoras, located at 3785 Adolfo Alsina Street in Villa Martelli, province of Buenos Aires, during which officers had seized a deteriorated license plate numbered "C 1.498.506", a white front bumper, an ignition and a radiator, all belonging to a Renault Trafic and which showed signs of having been affected by fire. Both the police personnel involved and the witnesses summoned to observe the procedure were in agreement with regard to the circumstances in which the search had been carried out and the parts in question had been found. Only the witness Weiss added that, prior to the attack, he had seen a burned-out Trafic parked in front of the raided property and that in the neighborhood rumor was that it was linked to the bombing.

Also presented in court was a conversation that, according to the transcription file for the telephone line 768-0902, put together by the SIDE, was alleged to have taken

place on July 27, 1994 between Ariel—Nazcaner—and MD—Ana Boragni:<sup>95</sup> “Ariel: What happened with the Traffic? MD: Just as sometimes a Traffic from Alejandro’s would go to your workshop, this Traffic went from Alejandro’s to you know who’s...” When giving testimony at the debate hearing, although she did not remember having the conversation in question, Ana María Boragni surmised that, if it had taken place, “you know who” would refer to Guillermo Cotoras—“Guille”.

Laura Marcela Scillone acknowledged that, prior to the attack, she had seen a burned-out, rusty Traffic van in front of the house and workshop of her former common-law spouse Cotoras, who, through his work as a mechanic, had links to Carlos Alberto Telleldín. She explained that, from her partner’s comments, she had learned that the said vehicle had been brought there by Telleldín in order to remove the engine, which he later took away in a Ford Escort.

For her part, Ana María Boragni stated that she had seen burned-out van, acquired by her husband, outside Guillermo Cotoras’ house. She said that on one occasion she had accompanied her husband to the workshop and while drinking mate she had witnessed Cotoras remove the engine from the van, which had taken place at night on the sidewalk, but she did not recall whether Hugo Pérez was there at the time.

She added that although she had not witnessed the procedure, the extracted engine had been placed in the trunk of her Escort, after which they went home; and that the next day the engine had been taken to Nitzcaner’s workshop. She clarified that the removal of the engine had been carried out five or six days prior to July 10, in order to clean and reactivate it. She also thought she remembered the utility vehicle having gas pipes; although she said she did not know what happened to them, she stated that there had been a couple of cylinders in her house that were later sold, although she was unable to say for sure which van they came from. She further claimed not to know what became of the burned-out bodywork or the van’s documentation, although she mentioned that, if they could be repaired, the vehicles were usually taken to a workshop on the way to Highway 8.

With regard to the engine’s removal, Telleldín said he believed that on July 4, 1994, one of Monjo’s tow truck drivers had taken the “Messin” van to Cotoras’ home, where he had also left the registration papers and license plates, but not the “08” forms. He described how that night that they had lifted part of the van onto the sidewalk and had removed the engine, with his wife and Hugo Pérez present. It was clarified that in his statement on p. 7022/7037 he did not remember whether it was Hugo Pérez or Humberto Pérez Mejías that had accompanied them. He guessed that



Cotoras had carried out the removal after 7:00 pm. or 8:00 pm. Although in one of his statements he had said that the latter had loaded the engine into Boragni's Escort, he later declared that he had done so with Hugo Pérez, who drove the vehicle to his home, before transferring it to Nitzcaner's house the next day. He mentioned that, by that time, Nitzcaner already had the documentation for the wrecked van and a Trafic bearing the vehicle's license plates. In his statement on pp. 7022/7037 he could not specify whether the vehicle had been transported on the same day that the engine was removed or on the following day. The bodywork of the "Messin" Trafic van, on the other hand, he claimed to have sent to a salvage yard.

Hugo Antonio Pérez affirmed that Telleldín had purchased a damaged Trafic van from "Automotores Alejandro" ten or twelve days before the explosion.<sup>96</sup> When brought face to face with Nitzcaner, he acknowledged having gone to Cotoras' workshop with Telleldín and that, although he had not witnessed the removal of the engine, he had seen it being loaded into in the trunk of the Escort to be transferred to Nitzcaner's workshop. He claimed that all this had happened on the same day. In another part of the confrontation, he maintained that he had gone to Cotoras' workshop and that Telleldín had arrived later, as Cotoras was loading the engine into the trunk of the Escort, a task he had helped him carry out. In the confrontation with Telleldín included on pp. 8606/8610 Pérez initially reiterated his statements, but later admitted that he might have helped to remove the engine, which had remained in the trunk of the Escort at Telleldín's home until the following day, when it was transferred to Nitzcaner's workshop.

It was thus concluded that there was no agreement between the versions offered by Telleldín, Pérez and Boragni regarding Pérez's participation in the removal of the engine, the presence of Boragni, and the date on which the removal and transfer to Nitzcaner's workshop had taken place.

It was therefore stated that it was impossible to establish whether the engine from the "Messin" van was the one delivered to Nitzcaner for him to fit into Sarapura's Trafic and that it was not known what had become of the bodywork of the "Messin" van after the engine was removed.

#### Nitzcaner's workshop

The court determined the following: "... around midday on Saturday, July 2 1994, at the request of Carlos Alberto Telleldín, Miguel Gustavo Jaimes towed the Renault Trafic van, registration number C 1.519.275, from República and Alvear, in the locality of Villa Ballester, to the 'Pole Position' paint and bodywork shop, belonging to Ariel

96 See. pp.7849/7857.

Rodolfo Nitzcaner, located at 2335 Ituzaingó, Villa Maipú, province of Buenos Aires, with his green Ford Sierra. The transported vehicle had been stolen from its owner, Pedro Alejandro Sarapura, between the night of July 1, 1994 and approximately 3:00 pm on the following day, in Arcos Street between Olazábal and Blanco Encalada, in Buenos Aires, where he had left it parked. It was also ascertained that, on the instructions of Telleldín, Nitzcaner had replaced the engine of Sarapura's vehicle in his workshop with another one provided by Telleldín, although it was impossible to determine whether it was the one corresponding to the 'Messin' Traffic. A number of repairs were carried out on the paint and bodywork and the gearbox of that vehicle. It was also confirmed that on Friday 8 or Saturday 9 July, the van was taken away from Nitzcaner's workshop, although it is uncertain whether this was done by Telleldín and Boragni or just the latter."<sup>97</sup>

According to the court, it was not possible to establish whether the Traffic that had been parked in front of the house at 107 República Street in Villa Ballester on Saturday, 9 and Sunday, July 10, 1994 and published for sale in the newspaper "Clarín" that weekend was the one that Telleldín had allegedly assembled using the bodywork of Sarapura's utility vehicle and another engine; what became of engine No. 2,848,848, originally fitted inside the Traffic van stolen from Sarapura; or whether the numbering of the bodywork of Sarapura's Traffic van had been re-engraved.

The above assertions were based on the witness statements of Hugo César Ferrer, Carlos Osvaldo De Nápoli, Pedro Alejandro Sarapura, Manuel Iglesias, María Magdalena Dalbagni, Raúl Alberto Puente, Guillermo Raúl Latino—read out in court—Francisco Tomás Bruno, Carlos Mario Vispo, Pedro Ancona, Augusto Carlos Curel, Rolando Guillermo Goicochea, Martín Daniel Ivaldi, Juan Antonio Salguero, Marcelo Fabián Jouce, Francisco Bonnefon, Pablo Mario De la Cruz Arévalo, Alicia Noemí Trotonda, Ana María Boragni and Ricardo López.

It was stated that throughout the entire process, Carlos Alberto Telleldín had maintained that the engine of the "Messin" Traffic had been fitted inside Sarapura's van at Nitzcaner's workshop. He stressed that for this purpose he had ordered a body from César Fernandez, who had got him one without a side door, into which the engine of the "Messin" Traffic was fitted. He recognized the engine photographed on p. 239 as the one removed by Cotoras and delivered to Nitzcaner. He asserted that, when the Traffic van belonging to Sarapura was delivered to him, it had the license plates of the other vehicle fitted. He clarified that, although in one of his statements he had mentioned that Jaimes had obtained the van, he had meant that it had been acquired through him, but that it had been stolen by César Fernandez.

In addition, Telleldín stated that he and Hugo Pérez had taken the engine of the “Messin” Trafic to Nitzcaner’s workshop in the trunk of the Ford Escort, where it was fitted inside the stolen bodywork. In addition, a wooden interior was removed from the latter vehicle and it underwent paint and bodywork repairs, which were completed on Friday 8 of July, when he and his wife collected the vehicle and left it parked in the street, in front of the house located at 107 República Street. He affirmed that the van that had been in his possession until July 10, 1994 had no side door.

Telleldín also stated that, without the other’s knowledge, at Nitzcaner’s workshop he had personally re-engraved the number from the “Messin” bodywork onto Sarapura’s vehicle using a stylus. He added that he had taken the engine block from Sarapura’s van away from the workshop and had sent it to be destroyed at a salvage yard.

In turn, Miguel Gustavo Jaimes maintained in his statement on p. 8148/8156 that as a favor to Telleldín, he had on one occasion—around June or July he believed—towed a white Trafic van with his Ford Sierra from the latter’s home to a workshop in the San Andrés area.

For his part, Ariel Rodolfo Nitzcaner stated that he rented a mechanic’s workshop by the name of “Pole Position” located at 2335 Ituzaingó in Villa Maipú and that on Saturday, July 2, 1994, between 1:00 and 1:30 pm, Telleldín had brought him a white Renault Trafic van with no side door, which had been towed there by a green Ford Sierra car owned by a friend of his named Miguel.

He explained that on that same Saturday he had removed the engine of the utility vehicle and he had then replaced it with another that was brought to him around noon on the Monday by Hugo Antonio Pérez, in Ana Boragni’s Escort; the first engine had been taken away at 6:00 pm on Monday by Telleldín and Boragni. Nitzcaner affirmed that the engine he had installed had a capacity of 1400 cc, was not fitted with a natural gas canister and was rusty, not burned, as though it had been out in the open for some time. He denied that it was the one corresponding to the engine of the “Messin” Trafic, shown on p. 239. He also explained that the Trafic van had been stripped of its wood interior and had had paint and bodywork repairs carried out on it, especially on its side panels, where it appeared that a logo had been removed. He recognized the van that had been repaired in his workshop as the one in the photograph provided by Pedro Sarapura.

Nitzcaner first claimed to have handed over the van on July 8, but he later stated that it had been taken away on July 9. He also pointed out that, according to comments made by Telleldín, the vehicle was published for sale on Saturday, July 9 and Sunday, July 10.

Lastly, when he was confronted with Nitzcaner, the defendant Hugo Antonio

Pérez stated that at the request of Carlos Telleldín he had transported a burned-out Trafic engine to the former's workshop, for which he had used the Escort belonging to Telleldín, and that he had seen a van parked outside his home, which Telleldín had told him was for sale; on that occasion he noticed that it had been repaired, although the paintwork was a little shabby.

Both Telleldín himself as well as his defense maintained that the engine from the "Messin" Trafic had been installed in the bodywork of Sarapura's van at Nitzcaner's workshop. He argued that Nitzcaner had lied or made a mistake in stating that the engine he had received did not match that of the "Messin" Trafic. He based his position on the fact that, although the Nitzcaner had denied that the "Messin" engine, a photograph of which he was shown, was the one that he had fitted inside the bodywork of Sarapura's van, the parts that, according to him, were burned never arrived at Nitzcaner's workshop. He believed that the rusting of the engine was due to the effect of the fire extinguisher and the fact that it had been exposed to the elements given the condition of the Trafic's hood. Furthermore, Telleldín pointed out that there was no difference between a natural gas engine and a gasoline one, since the modification consists of a connection from the carburetor, a part that had not been taken to his workshop, meaning that Nitzcaner could not possibly say whether or not it was fitted with the accessory needed for the engine to run on natural gas.

In conclusion, then, it was considered proven that on July 3, 1994 the Trafic van that had been stolen from Sarapura between the night of July 1 and about 3:00 pm on July 2, had entered Nitzcaner's workshop after being taken there by Jaimes on Telleldín's instructions. It was established that at that workshop the engine had been removed from Sarapura's van and replaced with another, paint and bodywork repairs had been carried out and the vehicle's wooden interior had been stripped.

Given that the van's bodywork was not found, nor the necessary tools, and that there were no witnesses to the procedure, it was not possible to prove whether the bodywork serial number had been re-engraved or by whom.<sup>98</sup> Added to this was the fact that the method alleged by Telleldín for engraving vehicle bodies—using a stylus—was ruled out by the company "CIADEA" in its report attached on pp. 27,526/27,528, as well as by the technicians Fernando Carlos Cingolani, Daniel Aurelio Galetto and Jorge Oscar Mamone, who agreed that "Renault Argentina" never used such an instrument for stamping the serial number on vehicle bodywork.

There was no agreement between Telleldín and Nitzcaner as to which engine was fitted inside Sarapura's van. It was pointed out that the aforementioned statements

98 See the report on pp. 417/418, 6952/6956 and 8104/8106, on the search carried out at the premises located at 107 República in Villa Ballester, 2462 Roosevelt, 3rd floor, apartment "A" in Buenos Aires and 1885 Actis in Haedo, respectively; notwithstanding that the first was declared null and void.

by the expert López suggested that the version offered by Nitzcaner was not due to error, since the external appearance of a rusty engine differed according to whether it had resulted from exposure to the elements or a fire. Nor did Telleldin and Nitzcaner agree on the date on which Telleldin had sent Nitzcaner the engine he was to install in the Trafic.

The court thus affirmed: “The above-mentioned discrepancies prevent us from arriving at a firm conclusion as to which engine Telleldín took to Nitzcaner’s workshop, and which one was installed in the van stolen from Sarapura, since there is no other evidence, besides their statements, to support the versions offered by Telleldín, Nitzcaner, Pérez, Jouce and Boragni. In short, the last confirmation concerning the route taken by the engine from the ‘Messin’ Trafic, prior to its discovery among the rubble of the AMIA center, places it at the home of Cotoras on the night of July 4, 1994.”<sup>99</sup>

The Renault Trafic used as a car bomb

The court stated that, “... the evidence collected leads us to conclude that the original engine of the ‘Messin SRL’ van, found among the rubble of the AMIA building, was installed inside a third vehicle body, the origin of which could not be determined. The original body and the one corresponding to the van stolen from Pedro Alejandro Sarapura are thus ruled out as being the one in which the said engine was installed. It was established that the body used in the attack was that of a “Chapelco white” Renault Trafic, manufactured between March 1987 and October 1989, although it was impossible to specify the model. However, parts of a Trafic manufactured at a later point in time were found at the blast site, which suggests that they were spare parts used in repairs carried out on the van.”<sup>100</sup>

The above statements were based on the testimony of Fernando Carlos Cingolani, Luis Omar Gariboldi, Justino Augusto Acosta, Ricardo Eduardo Rodríguez Arvas, Diego Eduardo Ricagno, Hugo Ricardo Pérez, José Luis Alberto Rosetti, Eduardo Magnano, José Luis Martilotta, Jorge Florencio Valdez , Daniel Aurelio Galetto, Bernardo Ramón Salcedo, Daniel Balián, Jorge Oscar Mamone, Roberto Eduardo Ruiz, Sergio Daniel Fraga, Carlos Miguel Zapata, Carlos Néstor López, Raúl Arbor, Daniel Alberto Helguero, Marcelo Alejandro Debiassi, Claudio Luis Kirianovicz, Jorge Luis Lucas and Horacio Antonio Stiuoso.

They were also backed up by the separate report prepared by “C.I.A.D.E.A.S.A.” and those issued by that firm and “Renault Argentina S.A.,” contained on pp. 11,917/12,096,

99 Judgment of Federal Oral Court n° 3, Chapter VI.

100 Ibid.

14,263/14,267, 28,216, 30,215/30,216 and 111,868/111,872 of the main investigation report; the procedures attached on pp. 14,304/14,322, 30,761/30,764 and 34,079/34,081; the documentary proof provided on p. 11; the actuarial report on p. 454; the reports included on pp. 4302/4306, 22940 and 28,080; and the expert examination carried out by the Forensic Police Department of the National Gendarmerie, attached on p. 5637/5910 of the supplementary investigation file.

Other items of evidence considered were the following documents from the Preliminary Report by the Superintendency of Firefighters: the notes on pp. 13/17 and 233/234; the records attached on pp. 24, 30, 32, 36, 38 and 42; the photographs on pp. 35 and 67/115; and the illustrations on pp. 119/165. Lastly, from the Final Report of the Superintendency of Firefighters; the communications from "C.I.A.D.E.A. S.A" and "Renault Argentina S.A." on pp. 16/20, 32/37, 38/39 and 43/45; the reports on pp. 1/3 and 106/118; the record attached on p. 9; the photographs contained on pp. 78/86 and pp. 29 and 31 of the last part of the report; and the illustrations on pp. 88/105.

Carlos Néstor López, who in 1994 served as head of the Investigations Division of the PFA Department, stated that on the day of the attack a request had been made to "C.I.A.D.E.A. S.A." for help in identifying the auto parts found, in order to determine the model of vehicle used. He explained that, thanks to the information provided by "C.I.A.D.E.A. S.A.", within hours of the attack they knew the vehicle was a Trafic, and that later the automotive company had assigned technical personnel to assist with the investigation. He also mentioned that several pieces of metal had been sent to the "C.I.A.D.E.A. S.A." factory in Córdoba, where it was concluded that they had not been exposed to sustained temperatures and that the paint was the factory original, on which basis it was concluded that the body of the car bomb did not match the original engine found.

In regard to the model, he affirmed that the "C.I.A.D.E.A. S.A." personnel had separated out elements corresponding to a short-chassised Trafic, but that there were others belonging to a long-chassised one, and the technicians had explained that those from the long-chassised model could be installed in the short-chassised one, but not vice versa, so the vehicle was presumed to be a short-chassised Trafic. It was also determined that the color was "Chapelco white" and that it had a side door.

As for the vehicle body, he stated that, according to the laboratory analyses, it had been manufactured between 1987 and 1989, which was difficult to reconcile with the existence of parts made in 1990 or 1991, which presumably were installed in the same vehicle. He pointed out that the possibility had been considered of the body having been treated the previous year, and then finally licensed in 1990.

The testimonies cited included those of the “Renault Argentina S.A.” employees regarding the identification of parts and the conclusions they had reached; and those of mechanics Roberto Eduardo Ruiz and Sergio Daniel Fraga, specialists in suspension and leaf springs. The reports containing the abovementioned conclusions were also added.

It was noted that pp. 233/234 of the Preliminary Report concluded that the vehicle used in the attack was a Renault Trafic, type T310, with a short wheelbase and a right-hand door, equipped with a 1400 cc gasoline engine bearing identification number 2.831.467, registration C 1.498.506, without side windows but with a double rear door and light colored paintwork, apparently white. On pp. 106/118 of the Final Report similar conclusions were also presented, with the exception of the reference to the registration number, which stated that the color was “Chapelco white” and that it had a right-hand lateral sliding door, although this last point was implicit in the fact that the vehicle was said to be a model T310.

However, it was clarified that, both when testifying and preparing the abovementioned reports, the “C.I.A.D.E.A. S.A.” technicians had denied that it was possible to specify the Trafic model used in the explosion with the elements identified, and the conclusions arrived at by the Superintendency of Firefighters, were therefore considered to be premature.

It was pointed out that the “C.I.A.D.E.A. S.A.” report drawn up by Jose Luis Martilotta and Jorge Florencio Valdez, included on pp. 14,263/14,267, stated that various parts of the Trafic seized had been identified on the basis of the date of manufacture and model. Some of those parts corresponded to the starter motor, brake caliper slider, a piece of brake caliper, left front shock absorber, right front shock absorber, front shock absorbers springs, metal wheel, front suspension arm and left and right front axle supports. The same report also contained information pertaining to rear trestles, a rear shock absorber, left or right, and a rear 9-leaf spring.

They also argued that, although they had different dates of manufacture, the parts as a whole belonged to a vehicle assembled in early 1991, clarifying, in turn, that the differences in dates were due to the fact that at the time large stocks were kept of difficult to acquire parts, and in some cases stocks were not rotated in the warehouses. In summary, it was noted that of the 16 pieces identified, one had been made in 1989, ten in 1990, two in 1991, one in 1993 and two prior to 1993.

With regard to the leaf spring, the technicians explained that although it did not match the other parts in terms of its date of manufacture—1993—given that it was designed for use in vehicles with a long wheelbase equipped with a 2000 cc or diesel engine, it could perfectly well be adapted to fit a vehicle with a short wheelbase, to

enable it to bear more weight; they observed that this would make no sense with a 1400 cc engine, since it would be overworked and this would shorten its life span.

That report was supplemented with the one on pp. 111,868/111,872, drawn up by Eduardo O. Cáceres and Jorge F. Valdez of “Renault Argentina S.A.,” which among other things stated that, based on the analysis of certain parts, it had been concluded that the dates of manufacture coincided with those of the previous report, while in others cases the date could not be determined.

José L. Rosetti indicated that it was possible that units manufactured in a particular year, which had remained in stock, were later sold as models corresponding to the year in which they were placed on the market.

Pages 34,079/34,081 contained procedures carried out by the Explosives Brigade, including a certificate of verification of March 2, 1998, confirming that Carlos Miguel Zapata, plant manager of “Protto Hnos. S.A.” had examined three wheel rims found in the vicinity of the AMIA building on July 18, 1994, concluding that they belonged to a Renault Trafic vehicle, identified as Protto article No. 1560 and manufactured by that company; one in 1990, another in November 1990, and in the case of the third it was not possible to determine the date.

Also included on pp. 30,761/30,764 were the procedures conducted by Carlos Néstor López, in which a physical examination had concluded that all the components of the Trafic van used as a car bomb displayed deformations and cracks that were found to be in direct proportion to the reaction of an explosive charge located in the cargo compartment.

It was also determined that the constituent elements of the Renault Trafic—engine, axle, wheel rims, ball joints, leaf springs, shock absorbers, gears, body panels, etc.—were installed and operating in the van carrying the explosive charge, since the breaks, cracks and deformations in the parts matched the original anchorage point for which they had been designed, and were in direct proportion to the effects of the blast wave.

In the same proceedings, it was concluded that, according to the physical evidence, the engine had been impacted by an explosion; the parts of the Trafic van extracted from the bodies of the victims had been transformed into projectiles capable of producing injuries due to their displacement and velocity in relation to their mass; and the evaluation of the parts found at the scene of the bombing, sequestered at the Ciudad Universitaria campus, and of the objects sequestered in the record included on p. 9,578 showed that all the elements had been impacted by a shock wave of equal intensity, which produced breaks, cracks and deformations characteristic of such a phenomenon.



It was also stated that the objects examined had been subjected to a single explosion, which was the same phenomenon that had affected all the constituent elements of the Trafic van used as a car bomb.

Finally, it was noted that the elements that were not part of that vehicle,<sup>101</sup> the items of unknown origin and the headlamp, displayed deformations characteristic of having been subjected to a blast wave of different intensity to those of the Trafic van.

Contrary to what was maintained by Telleldin's defense team, in the opinion of the court, the evidence produced in the oral debate showed that the van that had detonated at the AMIA headquarters was not comprised of the body of the Renault Trafic belonging to Sarapura, but rather of a different one from a vehicle of undetermined origin. In this regard the court stated that, "Ultimately, based on the above-mentioned evidence, it is definitively ruled out that the 'Messin' body was the one used in the attack, since no signs of a fire were detected in the sheet metal remains found among the rubble and the paintwork was determined to be original, while, as was corroborated during the course of the debate, the former was subjected to the action of fire. It should also be stated that, although it was not possible to clarify whether the engine of the 'Messin' vehicle was installed into the body of Sarapura's van at Nitzcaner's workshop, the latter did not form part of the car bomb, since the year of manufacture, in particular the painting process, does not correspond to the one used in the remains found among the rubble of the AMIA center and in the surrounding areas. In addition, among those remains was a U-shaped part corresponding to the side door of the vehicle, which was a system that it was lacking, since it was a closed box van. As anticipated, the van used for the explosion was composed of the engine belonging to the "Messin" Trafic and a body whose origin could not be determined. In this regard, and in spite of the assertions made by the personnel of the PFA Explosives Department, the technicians from "Renault Argentina" all agreed that, based on an exhaustive analysis of the parts sequestered, it was not possible to establish the model."<sup>102</sup>

#### Parking for the van

The court deemed proven that, "... on Friday July 15, 1994, at approximately 6:00 pm, an individual parked a Renault Trafic van whose registration number ended in 8506 at the parking lot by the name of 'Jet Parking', located at 959 Azcuénaga Street, leaving it in the sector facing the street. For this purpose, the person paid \$ 100 for a two-week stay and provided certain information to fill out the record sheet for the

101 See pp. 36/37 of the Final Report.

102 Judgment of Federal Oral Court n° 3, Chapter VI.

vehicle. Following the attack, the parking lot employees noticed that the van was no longer on the forecourt and they surmised that it might be linked to the bombing, which is why on Thursday, July 21 or the following day, Manuel Bernardo Umansky and Mauricio Alejandro Vaysman, the owners of the premises, presented themselves at the Israeli Embassy to offer up that information.”<sup>103</sup>

It was stated that this was supported by the testimony of José Antonio Díaz, Jorge Carlos Giser, Elena Schargorodsky, César Omar Alderete, José Alejandro Címbolo, Manuel Bernardo Umansky, Mauricio Alejandro Vaysman, Gregorio Jorge Stilman, Jorge Daniel Torres, Jorge Luis Lucas , Horacio Antonio Stiuso, Néstor Ricardo Hernández, Roberto Jorge Saller and Luis Domingo Delizia.

To this was added the documentation included on pp. 206/208, the photographs presented on pp. 66,867/66,873 and 66,877/66,883, the diagrams added on pp. 66.876 and 66.898, the records attached on pp. 214 and 339, the proceedings on pp. 99.433/99.504, the handwriting analysis included on pp. 77.922 / 77.925, the copies on pp. 78,708/78,710 and 80,477/80,630, the photo-fit from p. 20 of the separate annex provided by the PFA’s Scopometry Division and the reports on pp. 974/975 and 77,612/77,619 of the main investigation report and pp. 857/859 of the supplementary investigation file.

When giving evidence, José Antonio Díaz stated that in July 1994 he was working as a parking lot attendant at “Jet Parking”, where he was in charge of handing out tickets as vehicles entered and registering the last four digits of their license plate in a machine.

He declared that on the Friday before the attack, between 5:30 and 7:00 pm he was at the entrance on Paraguay and Azcuénaga when a van arrived. Díaz said he had recorded the last four digits of the vehicle’s license plate but added that it had not been able to drive all the way in because the engine had stalled. He recounted that another man then appeared on foot and, after taking the place of the driver, who got out of the van, managed to start the vehicle and park it in the middle of the lot, facing Azcuénaga. Although at one point he maintained that the two individuals had entered into conversation, he later denied this, and said that the new driver had gestured to the other man and left, while the original driver had asked him about the system at the parking lot, informing him that he would be parking there for a few days. Díaz then handed him the ticket and told him to go to the office.

Díaz mentioned that, in view of the unusual behavior exhibited by the men, and thinking that they might be thieves, once the driver had left, he went to see the manager Jorge Giser.

He described the second individual as being 1.70 m tall, with dark hair, a dark complexion and, he believed, wearing a dark jacket and trousers. The first, meanwhile, was less formally dressed in jeans, and had no particular accent that was noticeable from what little he said.

The vehicle he described as a “regular” white van and, as far as he remembered, it had no lettering or windows, although he was not able to specify whether it had a side door. The witness did not know whether it was a Renault Trafic or another make; nor could he tell if it was loaded, although he did remark that when the engine started it had moved off quickly. He did not recall whether it was still parked there when he went home or returned to work the next day, and was unable to say exactly when it left the parking lot.

Jorge Carlos Giser stated that in July 1994 he was employed as the manager of “Jet Parking” and was usually to be found at the cash desk. He recalled that a few days prior to the attack, which might have been on the Friday, an individual had come in to arrange payment to park a white Trafic van for seven days and was charged \$ 100 for a two week period. He added that, since the driver had said he needed to take the van out of the parking lot once or twice, he was given a tag that he had to show to enable him to go in and out without a record being taken. Giser indicated that, when asked for his details, the driver had given his address as “Hotel Las Américas” and had then provided his alleged identity document number in place of the vehicle’s registration, which is why, when he realized this, he had to cross it out.

He described the individual in question, who was wearing a jacket and tie, as about 1.70 m or 1.75 m tall, with a swarthy complexion, brown hair and a provincial accent, although he spoke very little. He added that he did not have a beard or mustache and that he seemed very calm. The witness said that when the driver left, José Diaz informed him that he had noticed something odd, that the vehicle had stalled at the entrance and that, at one point, he thought it might be a robbery.

With regard to the van, he stated that although it was dark and at that time the parking lot had no lighting system, he had seen it parked against the wall, facing toward Azcuénaga Street. He recalled that the last time he had seen it had been on the Friday before leaving work, and he clarified that it was white, completely closed and had no side door. The parking lot employees were also unable to say when it had been removed, but he believed that it had been taken away between Saturday night and Sunday morning.

He also stated that, according to an employee of a nearby garage, an attempt had been made to leave the van in another parking lot, but this had not been possible due to its height.

Meanwhile, Elena Schargorodsky declared that in July 1994 she was working at the cash desk in “Jet Parking” and that, at around 6:00 or 7:00 pm on the Friday before the attack she had served an individual who wanted to park a Trafic van for two weeks. Since she had given him the wrong price, she called him to correct her mistake, and he expressed no objection. She recalled having charged him \$ 65, when in fact the price was \$ 85.

The witness described the man as being around 1.70 m tall, slim, with olive skin and oriental features, possibly from somewhere in the north of the country, such as Jujuy or Tucumán. She added that the man had said that he lived in a hotel.

She also explained that customers paying for a two-week period were given a receipt and a record sheet was also filled out. In this particular case, it was the aforementioned person who had informed her that the vehicle was a Trafic van. She stated that she had seen the van in question from some distance and that the person in charge of the parking lot and a few of her colleagues had told her that it was a white Trafic.

Schargorodsky asserted that on the Monday, after learning of the attack, she had the impression that there was something strange going on and had therefore asked about the vehicle, which was no longer to be found on the parking lot and there was no record of it having left. She explained that she associated the van with the attack before there had been any mention in the media of a Renault Trafic and that it had instead been an assumption of hers. She added that on that same Monday afternoon she telephoned the hotel, which informed her that the individual “did not exist.”

César Omar Alderete stated that in July 1994 he was working as a cashier at a parking lot on Azcuénaga Street, from 10:00 pm to 6:00 am, and that several days before the attack had seen three Trafic vans, one belonging to a labor risk insurer, another located on Azcuénaga, which had a kind of antenna on the roof, and a third that was facing Azcuénaga. This last one he remembered as being white, but it was difficult to tell exactly what color it was because of the dirty condition of the vehicle. He added that it was tilted at the front because the parking lot was on a slope, but he had not noticed anything unusual about it. Although he stated that it was a closed van, he was not able to say whether it had a door on the side. The bumper, he believed, was made of sheet metal because on the Sunday night, while playing ball with a workmate, had had touched it with his foot. He affirmed that he had seen the van when he left work on Sunday at 6:00 am.

In court, the witness José Alejandro Címbolo said that at the time of the attack he was working at “Jet Parking” and did not remembering having seen the Trafic van about which comments were made following the explosion. However, when confronted with

his statement to the investigating magistrate, the witness claimed to have seen a white Traffic van on the parking lot a day or two before the blast.

It was added that during the oral debate, Díaz, Giser, Alderete and Címbolo had located on a diagram the place where the vans to which they had referred were parked on the lot and had all placed them in the sector facing towards Azcuénaga, between the entrance located at the corner of that street and Paraguay and the exit that was half way along the block, on Azcuénaga.

The remaining employees of “Jet Parking” and the customers who testified made a number of references to the existence of vans, but did not agree on their location in the parking lot, making it impossible to know whether that they were alluding to the same vehicle that was involved in the events of July 15.<sup>104</sup>

Attention was drawn to the statement made by Nelly Marta Tilli de López, a customer of the parking lot, who said she had seen a van parked on the Sunday before the attack, at around 5:45 or 6:00 pm, in the same sector as the one indicated by the above-named employees. She also mentioned the presence of someone sitting in the passenger seat. However, the circumstances described by the witness—both the timeframe and the person she claimed to have seen—were not corroborated by the testimony of any other employee or customer of “Jet Parking” and it was thus impossible to state whether she was referring to the same vehicle as José Antonio Díaz and Jorge Carlos Giser.

Emphasis was placed on the documentation attached on pp. 206/208, contributed in due course by Jorge Carlos Giser, which consisted of a record sheet pertaining to the vehicle, a list of vehicles that had entered the parking lot and an example of a tag of the kind given to the driver of the Traffic van.

According to the list, on July 15, at 6:02 pm a vehicle whose license plate ended in the numbers 8506 had come in to the parking lot. The client’s record sheet showed that he had given the name of Carlos Martínez, whose address was “Hotel Las Américas”, the vehicle was a Traffic van with registration number 408.506 and that he had paid \$100 for a two-week stay. It was also observed that in the box corresponding to the registration plate, the number 11,509,709 had been crossed out.

The information provided on the record sheet was verified by the DPOC and it was determined that there were no Renault or Traffic vehicles registered with the license plate 408.506 and the letters B, C, B1, C1, B2, A, X, S, M and E, which at that time indicated its provenance. It was further established that the No. 11,509,709 corresponded to the identity document of Tomás David Lorenz, whose file included

104 See. statements by Elba Noemí Alesso, Mario Alberto Boskis, Alfredo Horacio Di Fonzo, Néstor Alfredo Gibernau, Jorge Alberto Hurst, Alejandro Mario Lucchelli, Jorge Alberto Ruiz, María del Carmen Sallete and Rubén Luis Sosa.

the reference Carlos Alejandro Martínez, holder of ID No. 11,509,720, while the former was listed as a reference for the latter.<sup>105</sup>

Meanwhile, the Anti-Terrorist Investigation Unit reported on pp. 77,612/77,619 that National Identity Number 11,509,709 corresponded to María de los Ángeles Jiménez. In the same vein, on pp. 974/975, the SIDE reported that the number entered on the parking lot ticket, as a National Identity Number, belonged to a woman, while, as an identity card number, it corresponded to Tomás David Lorenz, who it was established was linked to Carlos Alejandro Martínez.

Furthermore, Fabián Alfredo Bustos, the manager of the parking lot “Sanatorio Otamendi and Miroli S.A.,” located at 850/64 Azcuénaga Street, recounted an episode that took place there on Friday, July 15, 1994. He explained that on that Friday, at around noon, an individual had come in to enquire about parking a Traffic van until the early hours of the following Monday in a spot not visible from the street, where it would be left locked. He said that he had tried to explain that this was impossible, since the height of the ceiling would not allow the van to pass, because it had an iron luggage rack that made it taller than other utility vehicles of that model.

He remembered that, in spite of his explanations, the driver got out of the van at the entrance and insisted on parking it there, even offering him \$ 100 in return, when the price for that period was \$18. He stated that the Traffic van was white with a short wheelbase, but did not know whether it had a side door. He added that it was not dented and or had no writing or stickers on it, but he did not take down the registration number, since that procedure was only completed once an agreement had been reached.

With regard to the person driving, he estimated that he was over thirty, wearing smart casual clothes and had a neat, goatee beard, although he was unable to say whether he had a mustache. Despite the fact that Bustos said he did not speak any foreign languages, he observed that the man was proficient in Spanish and had a foreign accent, which might have been Arabic or Iranian.

He also pointed out that at that time the parking lot was equipped with a security camera, which was pointed toward the vehicle entry area and thus recorded everything that took place. In that regard, he asserted that several days after the attack the parking lot was visited by personnel claiming to be from the SIDE, who informed him that he would be summoned to testify and that he should take the video with him, although they did not wish to see it at that time. He added that he had kept the tape for a year or two and that, since he had never received a summons, he had ended up reusing it.

105 See records on pp. 214 and 339.

The SIDE officials Jorge Luis Lucas and Horacio Antonio Stiuso were questioned regarding the episode reported by Bustos.

It was thus stated that although the events recounted by Bustos were at the very least striking, it was impossible to confirm beyond doubt that they were linked to what took place that same day at “Jet Parking”, since although there were a number of coincidences between the two accounts—both involved Trafic vans and their drivers had a foreign accent—the remaining information was not sufficient to prove that it was the same vehicle.

The court affirmed that, “... although, at first glance, certain elements would seem to suggest that the van parked at ‘Jet Parking’ was the same one used as a car bomb, it is also the case that, following the oral debate, the court does not have conclusive evidence to prove, beyond all doubt, that it was the same vehicle; this was because it was not possible to clarify every aspect of the episode that took place in the parking lot or to link it directly to the attack (...) the fact that the van parked at ‘Jet Parking’ on July 15, 1994 could not be identified as the one used as a car bomb does not necessarily mean that the episode is unrelated to the attack, since it could well have been the same van or—possibly—a diversionary tactic to distract the investigation that would later be launched (...) it should be made clear that the fact that the car bomb might have been parked at the ‘Jet Parking’ lot during the weekend prior to July 18 is of no relevance when it comes to clarifying the way in which the explosion was carried out or to judging the conduct of those charged in the case, since it in no way affects the decision that will be taken in their regard.”<sup>106</sup>

### **Judgment handed down by Federal Oral Court No. 3**

This section will present the Judgment of Federal Oral Court No. 3.

“On the basis of the conclusions reached above the court

RESOLVES TO:

I.- DECLARE INVALID the decree of October 31, 1995, contained on pp. 37,557/37,559, calling for the investigation of the so-called “Brigades” case, and all the proceedings carried out as a result thereof with respect to the persons ordered to stand trial (articles 18 and 75, section 22, National Constitution, 26, second paragraph, of the American Declaration of the Rights and Duties of Man, 10 of the Universal Declaration of Human Rights, 8.1 of the American Convention on Human Rights,

106 Judgment of Federal Oral Court n° 3, Chapter VII.

14.1 of the International Covenant on Civil and Political Rights, 167, section 3, 168 and 172 of the Argentine Criminal Procedural Code).

II.- ACQUIT CARLOS ALBERTO TELLELDÍN, of the crimes of aggravated homicide, severe, serious and minor aggravated injury, multiple damage and adulteration of a public document intended to prove the identity of individuals (articles 80, sections. 89, 90 and 91, pursuant to article 92, 183 and 292, 2nd paragraph, of the Penal Code) of which he was accused; WITHOUT COSTS (articles 530 and 531 of the Argentine Criminal Procedural Code) and, consequently, ORDER HIS RELEASE.

III.- ACQUIT JUAN JOSÉ RIBELLI, of the charges contained in the exordium relating to the crimes of aggravated homicide, severe, serious and minor aggravated injury, multiple damage, aggravated illegal deprivation of liberty, and extortion—attempted in both cases—aggravated perjury, extortive kidnapping, illicit association and aggravated coercion (articles 42, 80, 4 and 5, 89, 90 and 91, pursuant to article 92, 144 bis, section 1, 149, subheading (a), 168, 170, 183, 210 and 275, second paragraph, of the Penal Code) of which he was accused, as well as to the crime of extortion (article 168 of the Penal Code) for which the case was brought to trial and no charge was brought; WITHOUT COSTS (articles 530 and 531 of the Argentine Criminal Procedural Code) and, consequently, ORDER HIS RELEASE.

IV.- ACQUIT RAÚL EDILIO IBARRA, of the charges contained in the exordium relating to the crimes of aggravated homicide, severe, serious and minor aggravated injury, multiple damage, aggravated illegal deprivation of liberty, and extortion—attempted in both cases—aggravated perjury—repeated on two occasions—extortive kidnapping, illicit association (articles 42, 80, 4 and 5, 89, 90 and 91, pursuant to article 92, 144 bis, section 1; 168, 170, 183, 210 and 275, second part, of the Penal Code) of which he was accused, as well as to the crimes of perjury—repeated on two occasions—and extortion (articles. 168 and 275, paragraph 1 of the Penal Code) for which the case was brought to trial and no charge was brought; WITHOUT COSTS (Articles 530 and 531 of the Argentine Criminal Procedural Code) and, consequently, ORDER HIS RELEASE.

V.- ACQUIT MARIO NORBERTO BAREIRO, of the charges contained in the exordium relating to the crimes of aggravated homicide, severe, serious and minor aggravated injury, multiple damage, extortive kidnapping, aggravated illegal deprivation of liberty, and extortion—attempted in both cases—and illicit association (articles. 42; 80, sections. 4 and 5; 89, 90 y 91, pursuant to article 92; 144 bis, section. 1; 168; 170; 183 and 210 of the Penal Code) of which he was accused, as well as to the crime of extortion (article 168 of the Penal Code) for which the case was brought to trial and no charge was brought; WITHOUT COSTS (Articles 530



and 531 of the Argentine Criminal Procedural Code) and, consequently, ORDER HIS IMMEDIATE RELEASE from custody (article 402 of the Argentine Criminal Procedural Code).

VI.- ACQUIT ANASTASIO IRENEO LEAL, of the charges contained in the exordium relating to the crimes of aggravated homicide, severe, serious and minor aggravated injury, multiple damage, extortive kidnapping, aggravated illegal deprivation of liberty, and extortion—attempted in both cases—and illicit association (articles. 42; 80, sections. 4 and 5; 89, 90 y 91, pursuant to article 92; 144 bis, section. 1; 168; 170; 183 and 210 of the Penal Code) of which he was accused, as well as to the crime of extortion (article 168 of the Penal Code) for which the case was brought to trial and no charge was brought; WITHOUT COSTS (Articles 530 and 531 of the Argentine Criminal Procedural Code) and, consequently, ORDER HIS IMMEDIATE RELEASE from custody (article 402 of the Argentine Criminal Procedural Code).

VII.- ACQUIT BAUTISTA ALBERTO HUICI, of the charges contained in the exordium relating to the crimes of extortive kidnapping, aggravated perjury and illicit association (articles 170, 210 and 275, second paragraph of the Penal Code) of which he was accused, as well as to the crimes of extortion and aggravated illegal deprivation of liberty—attempted in both cases—(articles 42; 144 bis, section 1, y 168 of the Penal Code) for which the case was brought to trial and no charge was brought; WITHOUT COSTS (articles 530 and 531 of the Argentine Criminal Procedural Code).

VIII.- ACQUIT MARCELO GUSTAVO ALBARRACÍN, of the charges contained in the exordium relating to the crimes of extortive kidnapping, and illicit association (articles 170, 210 of the Criminal Code) of which he was accused; WITHOUT COSTS (articles 530 and 531 of the Argentine Criminal Procedural Code).

IX.- ACQUIT ALEJANDRO BURGUETE, of the charges contained in the exordium relating to the crimes of ideological falsification of a public instrument—repeated on two occasions—and illicit association (articles 210 and 293 of the Criminal Code) of which he was accused; WITHOUT COSTS (articles 530 and 531 of the Argentine Criminal Procedural Code).

X.- ACQUIT JOSÉ MIGUEL ARANCIBIA, of the charges contained in the exordium relating to the crimes of ideological falsification of a public instrument—repeated on two occasions—and illicit association (articles 210 and 293 of the Criminal Code) of which he was accused; WITHOUT COSTS (articles 530 and 531 of the Argentine Criminal Procedural Code).

XI.- ACQUIT OSCAR EUSEBIO BACIGALUPO, of the charges contained in the exordium relating to the crimes of ideological falsification of a public instrument—repeated on two occasions—and illicit association (articles 210 and 293 of the Criminal Code) of which he was accused; WITHOUT COSTS (articles 530 and 531 of the Argentine Criminal Procedural Code).

XII.- ACQUIT JORGE HORACIO RAGO, of the charges contained in the exordium relating to the crimes of extortive kidnapping, extortion and aggravated illegal deprivation of liberty—attempted in both cases—ideological falsification of a public instrument and illicit association (articles 42, 144 bis, section 1, 168; 170, 210 and 293 of the Penal Code) of which he was accused; WITHOUT COSTS (articles 530 and 531 of the Argentine Criminal Procedural Code).

XIII.- ACQUIT JUAN ALBERTO BOTTEGAL, of the charges contained in the exordium relating to the crime of extortive kidnapping (article 170 of the Criminal Code) of which he was accused; WITHOUT COSTS (articles 530 and 531 of the Argentine Criminal Procedural Code).

XIV.- ACQUIT DIEGO ENRIQUE BARREDA, of the charges contained in the exordium relating to the crimes of extortive kidnapping, aggravated illegal deprivation of liberty and extortion—attempted in both cases—and illicit association (articles 42, 144 bis, section 1, 168; 170, 210 of the Penal Code) of which he was accused; WITHOUT COSTS (articles 530 and 531 of the Argentine Criminal Procedural Code).

XV.- ACQUIT MARCELO DARÍO CASAS, of the charges contained in the exordium relating to the crime of aggravated perjury (article 275, second paragraph, of the Penal Code) of which he was accused, as well as in relation to the crime of aggravated perjury (article 275, first paragraph, of the Criminal Code) for which the case was brought to trial and no charge was brought; WITHOUT COSTS (articles 530 and 531 of the Argentine Criminal Procedural Code).

XVI.- ACQUIT EDUARDO DIEGO TOLEDO of the charges contained in the exordium relating to the crime of perjury (article 275, first paragraph, of the Penal Code) for which the case was brought to trial and no charge was brought; WITHOUT COSTS (articles 530 and 531 of the Argentine Criminal Procedural Code).

XVII.- ACQUIT CLAUDIO WALTER ARAYA, of the charges contained in the exordium relating to the crimes of extortive kidnapping and illicit association (articles 170 and 210 Penal Code) for which the case was brought to trial and no charge was brought; WITHOUT COSTS (articles 530 and 531 of the Argentine Criminal Procedural Code).

XVIII.- ACQUIT VÍCTOR CARLOS CRUZ, of the charges contained in

the exordium relating to the crimes of extortion and aggravated illegal deprivation of liberty —attempted in both cases—and illicit association (articles 42, 144 bis, section 1, 168; 170, 210 of the Penal Code) of which he was accused; WITHOUT COSTS (articles 530 and 531 of the Argentine Criminal Procedural Code).

XIX.- ACQUIT ARGENTINO GABRIEL LASALA, of the charges contained in the exordium relating to the crime of illicit association (article 210 Penal Code) for which the case was brought to trial and no charge was brought; WITHOUT COSTS (articles 530 and 531 of the Argentine Criminal Procedural Code).

XX.- ACQUIT DANIEL EMILIO QUINTERO, of the charges contained in the exordium relating to the crimes of ideological falsification of a public instrument and illicit association (articles 210 and 293 of the Criminal Code) for which the case was brought to trial and no charge was brought; WITHOUT COSTS (articles 530 and 531 of the Argentine Criminal Procedural Code).

XXI.- ACQUIT ARIEL RODOLFO NITZCANER, of the charges contained in the exordium relating to the crime of concealment (article 277, section 3 of the Criminal Code) for which the case was brought to trial and no charge was brought; WITHOUT COSTS (articles 530 and 531 of the Argentine Criminal Procedural Code).

XXII.- ACQUIT HUGO ANTONIO PÉREZ, of the charges contained in the exordium relating to the crime of concealment (article 277, section 3 of the Criminal Code) for which the case was brought to trial and no charge was brought; WITHOUT COSTS (articles 530 and 531 of the Argentine Criminal Procedural Code).

XXIII.- ACQUIT MIGUEL GUSTAVO JAIMES, of the charges contained in the exordium relating to the crime of concealment (article 277, section 3 of the Criminal Code) for which the case was brought to trial and no charge was brought; WITHOUT COSTS (articles 530 and 531 of the Argentine Criminal Procedural Code).

XXIV.- DECLARE INVALID the record attached on p. 224 of the Preliminary Report prepared by the Department of Explosives and Special Risks of the Argentine Federal Police Superintendency of Firefighters, which relates the seizure of engine No. 2,831,467 (articles 138, 139, 140, 166 and concordant articles of the Argentine Criminal Procedural Code) and to draw testimonies from the relevant documents for submission to the Federal Criminal and Correctional Court of Appeals, in order for it to determine the court that should investigate the crime of ideological falsification that may have been committed.

XXV- DECLARE INVALID the search carried out at the then home of

Carlos Alberto Telleldín, located at 107 Republic Street in the locality of Villa Ballester, partido of San Martín, province of Buenos Aires, contained on pp. 417/418 (articles 166, 224 and concordant articles of the Argentine Criminal Procedural Code).

XXVI- DECLARE INVALID the interrogation undergone on July 5, 1996 by Carlos Alberto Telleldín, recorded on pp. 24,223 / 24,249 (articles 138, 139, 140, 166, 296 and concordant articles of the Argentine Criminal Procedural Code).

XXVII.- REJECT the other arguments of invalidity put forward by the parties.

XXVIII.- To draw testimonies from the relevant documents and to submit them to the Federal Criminal and Correctional Court of Appeals, in order for it to determine which court should investigate the responsibility that may be borne by Judge Juan José Galeano, the officials and employees of the National Criminal and Correctional Court No. 9, as well as the representatives of the Public Prosecutor's Office, Eamon Gabriel Mullen and José Carlos Barbaccia, in relation to the crimes alleged to have been committed during the investigation of this case; in particular:

A) The ideological falsification of the record drawn up on the occasion of the interrogation undergone on July 5, 1996 by Carlos Alberto Telleldín;

B) The destruction of the videotapes containing recordings of statements and interviews carried out in the framework of these proceedings in the investigating court and in agencies of the Public Prosecutor's Office;

C) The illegal deprivation of liberty and torture allegedly suffered by César Antonio Fernández, as well as the responsibility that in such an event might be borne by personnel of the Secretariat of Intelligence of the Argentine Presidency and of the Buenos Aires Provincial Police;

D) The proceedings carried out in file No. 148, "Offers made to Obtain Information", as well as the responsibility that might be borne by Luis Ernesto Vicat and Aldo Andrés Spicacci Citarella in relation to the offers made to Diego Enrique Barreda and Alberto Enrique Barreda;

E) Those reported in the oral debate by Gisela Jaquelina Araya and Alexandra Gabriela De Leone, regarding the circumstances allegedly surrounding the preparation and the content of the record on p. 41,289;

F) Those reported in the oral debate by Jorge Horacio Rago, concerning the interview he gave to the investigating magistrate, prior to his arrest;

G) Those resulting from the details that preceded the testimony given by Gustavo Alberto Semorile in the investigating court;

H) Those arising from the conditions in which Luis Claudio Álvarez Matus, Sandra Karina Cardinal, Walter Alejandro Castro, Manuel Enrique García, Argentine

Gabriel Lasala, Marcelo Darío Casas, Eduardo Diego Toledo and Jose Aurelio Ferrari appeared before the investigating court;

I) The ideological falsity of the reports on pp 8206 and 8619, signed by Dr. Carlos Alfredo Velasco;

J) Those resulting from the comparison of the dates stamped on the procedures detailed on pp. 865, 866, 870, 871, 872 and in the respective original wiretaps held on file, as well as the responsibility that may be borne by personnel of the Secretariat of Intelligence of the Argentine Presidency; and

K) Those resulting from the procedures carried out by Armando Antonio Calabró, involving the delivery reported on p. 40,155, as well as the responsibility for such events that may be borne by Jorge Sebastián Menno and José Jofre, who are alleged to have acted in conjunction with the aforementioned person.

XXIX.- To make a copy of this document and to submit it to the Judicial Council for the purposes foreseen in article 6, section 7, of Law 24,937, as amended by Law 24,939, with respect to Judge Juan José Galeano.

XXX.- To make a copy of this document and to submit it to the Attorney General for the purposes foreseen in article 18, second paragraph, of Law 24,946, with respect to prosecution official José Carlos Barbaccia.

XXXI.- To make a copy of this document and to submit it to the Federal Criminal and Correctional Court of Appeals for the administrative purposes that it deems appropriate, in relation to the performance of the officials and employees of the investigating court.

XXXII.- To extract testimony from the relevant documents and to submit it to the Federal Criminal and Correctional Court of Appeals, in order for it to determine which court should investigate the publicly actionable offense that may have been committed as a result of the actions of the judge Gabriel Rubén Cavallo in the investigation of case No. 9,485 on the register of Secretariat No. 7, of National Criminal and Correctional Court No. 4 of Buenos Aires, pursuant to the provisions of articles 55, section 11, of the Argentine Criminal Procedural Code and 32 of the Argentine Civil and Commercial Procedural Code.

XXXIII.- To make a copy of this document and to submit it to the Judicial Council for the purposes foreseen in article 6, section 7, of Law 24,937, as amended by Law 24,939, with respect to Judge Gabriel Rubén Cavallo.

XXXIV.- To make a copy of this document and to submit it to the Judicial Council for the purposes foreseen in article 6, section 7, of Law 24,937, as amended by Law 24,939, with respect to Judge Norberto Mario Oyarbide, on account of his actions in case No. 496/00 on this court's register.

XXXV.- To extract testimony from the relevant documents and to submit it to the Federal Criminal and Correctional Court of Appeals, in order for it to determine which court should investigate the responsibility that may be borne by Carlos Vladimiro Corach and Hugo Alfredo Anzorreguy in relation to the events that preceded the interrogation of Carlos Alberto Telleldín on July 5, 1996.

XXXVI.- To extract testimony from the relevant documents and to submit it to the Federal Criminal and Correctional Court of Appeals, in order for it to determine which court should investigate the responsibility that may be borne by the personnel of the Secretariat of Intelligence in regard to the alleged offenses:

A) resulting from the wiretaps carried out, without a court order, on the telephone lines of the embassies of the Islamic Republic of Iran and the Republic of Cuba, pursuant to connection requests No. 1,473 and 1,914, as well as the use made of the material thereby produced; and

B) resulting from the use made of the audio tapes obtained without a court order during the period in which the telephone lines listed on page 114 were tapped.

XXXVII.- To extract testimony from the relevant documents and to submit it to the Federal Criminal and Correctional Court of Appeals, in order for it to determine which court should investigate the possible crime of perjury alleged to have been committed by Ramón Oreste Verón, Catalino José Humerez, Carlos Arturo Tarela, Carlos Alberto Salomone, Ricardo Morano, Rubén Ezra Beraja, Héctor Pedro Vergéz and Alfredo Roberto Perona.

XXXVIII.- To extract testimony from the relevant documents and to submit it to the Federal Criminal and Correctional Court No. 6, Secretariat No. 11, in order that an investigation be carried out into the publicly actionable offense that may have been committed as a result of the actions of Gustavo Alberto Semorile in the events that took place on April 4, 1994.

XXXIX.- To extract testimony from the relevant documents and to submit it to the Federal Court of Appeals of La Plata, Buenos Aires province, in order for it to determine which court should investigate the crimes that may have been committed as a result of the treatment conferred on Alejandro Burguete, with respect to the other police officers similarly accused, in the administrative indictment filed with the police of that province.

XL.- To extract testimony from the relevant documents and to submit it to the Federal Criminal and Correctional Court of Appeals, in order for it to determine which court should investigate the events reported by Bautista Alberto Huici and Dr. Marcelo Eduardo García, involving Drs. Federico Guillermo José Domínguez, Marta Nélica Parascándolo and Luis Ernesto Vicat.

XLI.- To extract testimony from the relevant documents and to submit it to the Federal Court of Appeals of La Plata, Buenos Aires province, in order for it to determine which court should investigate the crime of ideological falsification that may have been committed in the official record on p. 87,217, as well as the proceedings recorded on pp. 51,536 / 51,541.

XLII.- To extract testimony from the relevant documents and to submit it to the Federal Criminal and Correctional Court of Appeals, in order for it to determine which court should investigate the possible crime of concealment alleged to have been committed by Carlos Ernesto Soria, Raúl Alfredo Galván, Carlos Alberto Álvarez, José Antonio Romero Feris, Federico Storani, César Arias and Melchor René Cruchaga, members of the Special Bicameral Committee to Monitor the Investigations into the Attacks on the Israeli Embassy and the AMIA center, who participated in the secret meeting recorded on p. 133 of the aforementioned case No. 9485.

XLIII.- To extract testimony from this document and submit it to the Public Bar Association of Buenos Aires for the purposes it deems appropriate, in relation to the actions of the attorneys Federico Guillermo José Domínguez, Claudio Gabriel Lupiano, Marta Elsa Nercellas, Marta Nélica Parascándolo and Roberto Zaidemberg.

XLIV.- REJECT the request made by the defense team of Juan José Ribelli to order the unified plaintiff DAIA, AMIA and “Group of Relatives and Friends of the Victims” to pay costs (articles 530 and 531 of the Argentine Criminal Procedural Code).<sup>107</sup>.

### **Press release issued by Federal Oral Court No. 3**

The following is a press release issued by Federal Oral Court No. 3 of Buenos Aires regarding the ruling handed down on September 2, 2004 in case No. 487/00 entitled “Telleldín, Carlos Alberto et al/aggravated homicide (AMIA bombing)”.

“The exceptional events presented in the case, its undeniable institutional significance, its international repercussions and society’s right to be adequately informed of those matters in relation to which it was gravely affected, oblige the court to clarify, albeit to a minimal degree, a number of relevant issues that explain the decision taken in the Court’s agreement (art.89 of the Argentine Criminal Procedural Code), the grounds for which will be announced on October 29:

1. It was deemed proven that on July 18, 1994, a Renault Trafic van detonated an explosive charge at the entrance to the building at 633 Pasteur Street, which

107 Federal Oral Court n° 3, Judgment, 10/29/2004

housed the headquarters of Jewish institutions including the Argentine Israeli Mutual Association and the Delegation of Argentine Israeli Associations.

2. It was established that the explosive material used, which was rigged inside the aforementioned vehicle, was composed of ammonium nitrate with the addition of aluminum, a heavy hydrocarbon, TNT and nitroglycerin, totaling around 300 to 400 kilograms in weight.

3. The explosion resulted in the death of 85 people and injuries of varying magnitude to another 151.

4. The evidence produced in the debate confirmed a significant violation of the rules of due process and defense during trial, since the lack of impartiality on the part of the investigating judge was proven.

5. The court established the moment from which Dr. Juan José Galeano departed from the path to the truth and engaged in conduct contrary to the legal order; behavior with which, either by action or omission, various agencies of the three branches of government collaborated, by providing him with political support and/or covering up his irregular and illegal actions.

It was also sufficiently established that the interrogation of Carlos Alberto Telleldín on July 5, 1996, in which he implicated his fellow accused in the bombing and for which he received the sum of 400,000 US dollars or pesos, was the culmination of irregular activity by the state aimed at finding a perpetrator, irrespective of what had actually happened.

In pursuit of that aim and completely distanced from the correct application of the law, the investigating judge carried out, or at least tolerated, numerous acts, such as obtaining, in defiance of current laws, information from the accused in custody, intercepting telephone conversations between defense attorneys, paying a defendant in order to obtain a statement, making promises to others, pressuring detainees, secretly making recordings of defendants and witnesses, which he later destroyed, keeping such evidence from the knowledge of the parties and the court, putting together files about whose existence the majority of the parties were not informed, facilitating meetings between representatives of some of the plaintiffs and a detainee inside the court, without his presence, covertly recording a defense attorney during an interview with lawyers for one of the plaintiffs, allowing a meeting between a senior officer of the Federal Police and one of the arrested accused and systematically violating the secrecy that protects the practice of law, among others.

6. Based on the so-called 'right to the truth', formulated in the inter-American human rights system to grant victims the power to know the reality of what took place during serious violations of those rights, and despite the decree of invalidity,



the court conducted a thorough analysis of the possible responsibility of the accused Carlos Alberto Telleldín, Juan José Ribelli, Raúl Edilio Ibarra, Anastasio Ireneo Leal and Mario Norberto Bareiro in the attack, and concluded that the former, through a complicated procedure, handed over the van to a person whose identity could not be established, although no evidence was found that he knew the use to which it would be put.

As for the other defendants, it was not demonstrated in any way that the Renault Traffic van used as a car bomb had passed through their hands on July 10, 1994 or on any other occasion.

7. In regard to the so-called ‘video case,’ the court did not prove the criminal nature that both Dr. Juan José Galeano and the accusers attributed to the actions of Juan José Ribelli.

8. It was able to be established, based on the numerous irregularities demonstrated, that the investigating judge oriented his actions toward ‘constructing’ an incriminating hypothesis, in an effort to address the logical demands of society, as well as to satisfy the dubious interests of unscrupulous governing officials.

9. The court believed that such a pattern of irregularities was made possible by the accommodating actions, to say the least, on the part of the prosecutors of the previous stage.

10. Questions were raised about the attitude adopted by some members of the Special Bicameral Committee to Monitor the Investigation of the Attacks on the Israeli Embassy and the AMIA center who, in spite of having direct knowledge of an unacceptable negotiation between the investigating judge and one of the defendants, omitted to challenge this conduct.

11. The response of the political branch following the bombing was criticized, since national and Buenos Aires Provincial officials oscillated between undue interference in the process formalities, indifference and a lack of commitment to defending truth and justice, constituting a further and extremely serious contribution to the widespread of mistrust of our institutions.

Buenos Aires, September 2, 2004<sup>108</sup>.

## **Supreme Court Ruling**

Federal Oral Court No. 3 declared invalid the ruling issued by Judge Galeano on October 31, 1995—which ordered the “Brigades” case to be opened—along with all of the proceedings undertaken as a result, thus acquitting Carlos Alberto Telleldín,

108 Press release issued by Federal Oral Court N° 3, 09/02/2004

Juan José Ribelli, Anastasio Ireneo Leal, Raúl Edilio Ibarra and Mario Norberto Barreiro, accused of the attack on the AMIA headquarters and, in the case of Juan José Ribelli, also in relation to the crime of aggravated coercion with which he had been charged. In response, the Public Prosecutor's Office and the unified plaintiff made up of AMIA, DAIA and Group of Relatives and Friends of Victims of the AMIA attack filed appeals that were later rejected by Courtroom II of the National Court of Criminal Cassation.

Finally, on May 19, 2006, both the Public Prosecutor's Office and the unified plaintiff filed extraordinary appeals for the case to be considered by the Supreme Court<sup>109, 110</sup>.

### *The ruling*

Reference was made, first of all, to the Prosecutor General's writ in which he had argued the arbitrary nature of the ruling since the annulment of the order of October 31, 1995 had overreached its scope.

In this regard, the arguments of the Attorney General were cited and it was stated that, "... due to the exclusion of evidence related to the acts of extortion committed against Carlos Alberto Telleldín on the grounds of a lack of impartiality and the consequent rejection of the hypothesis of an independent source, it amounts to a decision that is not consistent with the documentary proof of the case and must be disqualified as a valid judicial act."<sup>111</sup>

Also cited were the objections raised by the plaintiff against ruling with regard to: "1) the arbitrary construction of the declared annulment; 2) the lack of basis for extending the scope of the annulment decreed from the beginning of the "Brigades" case to the situation of Carlos Alberto Telleldín; 3) the omission in the treatment of an essential argument put forward on its part: the reparation for the annulments that took place in the investigation stage through the presentation of evidence in the debate; 4) the arbitrary nature of the ruling in relation to the rejection of a supposedly independent means of investigation which would lead to the effects of the rule of exclusion of illegal evidence being bypassed; (5) the omission in the judgment of a fundamental issue concerning the "right to the truth" related to the manner in which the matter of the leaf springs of the utility vehicle that exploded at the AMIA headquarters was addressed, and lastly , 6) the arbitrary validation of the interpretation of the facts made by the oral court in regard to the crime of aggravated coercion attributed to Juan José Ribelli to the detriment of the former judge Galeano."<sup>112</sup>

109 pp. 123,594 / 123,616 and 123,617 / 123,714, respectively.

110 On p. 123,860/123,860 reverse side.

111 Supreme Court ruling, 05/27/2009.

112 Ibid.

It was stated that by extending the effects of the annulment to procedural acts carried out prior to the opening of the “Brigades” case, the evidence related to Carlos A. Telleldín and to other important matters resulting from his involvement had failed to be taken into account.

This wrong was deemed to merit consideration by the Supreme Court, since, although it referred to matters of facts, evidence and law, which usually fell outside the provisions of article 14 of Law No. 48, this did not prevent the findings from being invalidated when “the decision shows serious shortcomings in substantiation and reasoning, which undermine due process (Supreme Court: 315: 801, 317: 382, 318: 230, among many others).”<sup>113</sup>

The court’s decision to extend the annulment to Telleldín’s procedural status was affirmed to have been “based on the view that the most important procedural records issued by the investigating court in his regard ‘employed connections and evidence obtained subsequent to the opening’ of that case.”<sup>114</sup> In this regard, it was considered that the court had not explained the reason for its decision and that, later, the Court of Cassation had also failed to provide a valid argument: “... it is not explained how the judge’s partiality with respect to the former police officers affected the procedural situation of Carlos Alberto Telleldín.”<sup>115</sup> It was contended that the judges had replaced reasons with dogmatic statements and had relied on an argument of authority. Although the National Court of Criminal Cassation had acknowledged that the trial court had not detailed the “connections and evidence” that had been used, it had affirmed that “its confirmation by the Federal Criminal and Correctional Court of Appeal and the subsequent request of committal for trial, ratify the extension of the annulment decreed.”<sup>116</sup>

The Oral Court had set October 31, 1995 as the date on which the judge’s lack of neutrality had first been demonstrated,<sup>117</sup> but in the next line it extended the annulment to the proceedings relating to Telleldín.

Reference was made to the fact that, since the impartiality of the judge is presumed, it was necessary to present objective information that could support the suspicions of violation of the fundamental right to the impartiality of the investigating magistrate.

It was clarified that the irregularities committed by the then judge as of October 31, 1995 were not in dispute, but there was no explanation for the extension of the presumption of impartiality to the events prior to that date. The doubts about the

113 Ibid.

114 Ibid.

115 Ibid.

116 p. 123,497 reverse. - in Supreme Court ruling, 05/27/2009.

117 p. 120,942.

impartiality of the investigating magistrate should have been consistent enough to be considered objectively and legitimately justified.

The argument used by the trial court to extend the annulment was cited and described as circular: "... the questions raised by the plaintiffs with regard to the fact that the judgment does not state how the judge's partiality affected Telleldín's situation or why his prosecution should be overturned are therefore untenable. In this sense, it should be emphasized that just as it is not possible to presume the partiality of judges, having confirmed in this case the partiality of the investigating judge, the impairment of the guarantees of those persons under the jurisdictional power of that judge is no more than the obvious consequence of his damaging actions."<sup>118</sup>

It was noted that it is the various declarations by the judge that may give rise to the suspicion of bias and not a "non-partial" personality, and it cannot be concluded therefore that his actions prior to the date when his lack of neutrality began must necessarily be disqualified according to the jurisprudence of the European Court of Human Rights and of the Constitutional Court of Spain.

It was thus concluded that, "... the judgment is not based on sufficient grounds and, therefore, cannot be considered a valid judicial act in the terms of the doctrine of arbitrariness."<sup>119</sup> Emphasis was placed on the magnitude of the crime investigated, and reference was made to the fact that it calls for the greatest possible efforts to be made in collecting evidence in order to arrive at the truth of the matter.

It was added that, "... if there was a deviation in the judge's conduct, that does not mean that the conviction that had been growing on the part of the investigating court had suffered from the same flaw although it is difficult to differentiate conceptually between the two (...) in a system that is not purely accusatory, it is necessary to be most cautious and not fall into the trap of extending the effects of acts that are clearly lacking in neutrality to others in which this was not shown to be the case. This casualness displayed here by both the original court and the Court of Cassation in considering that the effects of the annulment should be extended to all the proceedings prior to the decree of October 31. Describing the 'judge himself' as partial merely calls into question the very figure of the investigating magistrate, which is impossible without a declaration of unconstitutionality. The investigating judge would thus be treated as though ours were a purely accusatory process in which any pseudo-inquisitive role is seen as a sign of partiality. Indeed, the trial court has committed the oversimplification of equating the lack of impartiality found since October 31, 1995 with all the investigative tasks carried out previously,

118 p. 123,530 reverse. - in Supreme Court ruling, 05/27/2009.

119 Supreme Court ruling, 05/27/2009.

without specifying which actions caused damage to that guarantee with respect to a particular person.”<sup>120</sup>

To conclude, it was stated that, “It should be recalled that by that time the case consisted of 187 bodies of evidence (37,556 pages), that the main suspect had been detained for 1 year and 3 months and that the intervening prosecutors had already collected evidence to request that he be charged with a more serious offense although they also took into account the rest of the material collected by the pre-trial investigation, as their duty demanded (pp. 12,183 / 12, 211 reverse side.). In summary: at the time that the so-called “Brigades” case was opened, there was evidence in the case file related not only to Carlos Alberto Telleldín but also to other elements pertaining to an investigation so arduous and complex that, owing to an absolutely dogmatic exegesis, they could not be evaluated; moreover, the omitted deliberation could in this case provide a solution other than that arrived at by the judges.18) That, under such conditions, the decision of the trial court directly affects due process, which is why it should be disqualified as a valid jurisdictional action, insofar as it “does not satisfy the requirement that grounds must be given for the sentence, which is a requirement of the rule of law in free societies” (Rulings: 254: 40 and 293: 176, among others). Therefore, on the opinion of the Attorney General, the extraordinary appeals filed are hereby granted and the judgment appealed is hereby annulled. The proceedings shall be returned to the court of origin in order that the appropriate forum may proceed to issue a new ruling in accordance with the decision herein.”<sup>121</sup>

The ruling was signed by Ricardo Luis Lorenzetti, Elena I. Highton de Nolasco, Carlos S. Fayt, Enrique Santiago Petracchi—dissenting opinion—Juan Carlos Maqueda and Carmen M. Argibay—dissenting opinion.

Dissenting opinions of Enrique Santiago Petracchi and Carmen M. Argibay

Petracchi stated that the extraordinary appeals presented “refer to the examination of aspects of fact, evidence, common and procedural law, specific to the presiding judges in the case and, by their nature, extraneous to Article 14 of Law 48 ...”<sup>122</sup>

He added that the appeals had not demonstrated the arbitrariness of the court’s conclusions and that, “... the appealed judgment is based on sufficient grounds, notwithstanding the degree of accuracy or error, to prevent its disqualification as a valid legal act within the terms of the aforementioned doctrine (Rulings: 266: 210, 267: 114, 268: 38, among others). 14) That, while noting that, given the seriousness of the attack, it was inevitable that no hypothesis directly or indirectly linked to the bombing should have been excluded from the outset, the arguments presented by the

120 Ibid.

121 Ibid.

122 Ibid.

Court of Cassation to undermine the evidence relating to the delivery of the van, that is to say to the investigation of the attack on the AMIA center, and the evidence relating to the alleged offenses committed against Telleldin, are reasonable in the context of the case, since they encompass the shortcomings of the investigation recognized by the State before the Inter-American Commission on Human Rights, the irregular conduct demonstrated—which was characterized by the absence of moral and legal limits—and the extensive duration of the process, points that were not challenged by the appellants and which make it impossible to reach a conclusion other than the one appealed.”<sup>123</sup>

Argibay declared herself in agreement with Petracchi.

# Chapter IV

## The Islamic Republic of Iran and Hezbollah

*This chapter presents the various judicial documents—opinions and decisions—that confirm the responsibility of Iran and Hezbollah in carrying out the bombing.*

### Introduction

As previously stated, on August 9, 1994, the then presiding judge in the case, Juan José Galeano, issued an indictment calling for the arrest of four Iranian officials and attributing to them responsibility for the bombing of July 18. In that same writ, Galeano ordered the prosecution of the aforementioned Carlos Telleldín for the crime of falsifying documents. Thus, a distinction had already begun to appear between what would later become known as the “international connection” and the “local connection”.<sup>124</sup>

In June 1999, AMIA, DAIA and the victims’ relatives, along with the Public Prosecutor’s Office, requested that part of the investigation be closed and Telleldín and the former police officers be sent to trial. In February of the following year, with the backing of the Federal Court of Appeal, Galeano split the case in two. He closed the pre-trial investigation into Telleldín and the other accused, sending that part of the case to trial, and kept the main investigation open.

The twists and turns that marked the procedures related to the local connection have been and will be described in other chapters of this report, so we will now move on to examine the progress that has been made so far in the investigation into the “international connection”. The main hypothesis of this segment of the case, which has been proven in the various opinions and resolutions contained therein, has been the

124 \* See Chapter I.

following: “... the bombing carried out against the AMIA / DAIA headquarters was decided and organized by the highest echelons of the then government of the Islamic Republic of Iran, who in turn entrusted its execution to the Lebanese terrorist group Hezbollah (Party of God), historically subordinated, both politically and economically, to the interests of the regime in Tehran”.<sup>125</sup> Based on the evidence, indications and assumptions that have supported this hypothesis there are ten national and international arrest warrants currently in force against those responsible for governing Iran at the time of the bombing and one member of the Hezbollah organization. Of these ten, seven have been approved by the International Criminal Police Organization —INTERPOL—and, as a result, that institution has issued Red Notices for their arrest.

Before concluding this introduction, it is essential to cite what was established by Judge Canicoba Corral in his decision of November 2006: “The criminal attack that occurred at the AMIA / DAIA headquarters constitutes serious violations of human rights and qualifies as a crime against humanity”.<sup>126</sup> With this statement, the bombing was described for the first time as a crime against humanity based on the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide—ratified by Decree-Law No. 6286 / 56—and the Statute of Rome— ratified by Law No. 25.390—since it was affirmed that: “... the act that took place was intended as an attack on a civilian population, in the context of the persecution of a group or community, in this case of the Jewish religion”.<sup>127</sup>

As for the structure of this chapter, we will first describe both the historical context thus far, as well the findings of the investigation into the attack against the Israeli Embassy in Buenos Aires, considered to be an important precedent for the one under analysis here. The information provided by the documents relating to the case will be used for this purpose. We will then move on to summarize the arguments and conclusions presented in the decisions and opinions corresponding to this segment of the case. The documents summarized below are: the decisions of Judge Juan José Galeano of March 5, May 16 and August 13, 2003, the opinion of the prosecutors Alberto Nisman and Marcelo Martínez Burgos of October 25, 2006, the decision of Judge Rodolfo Canicoba Corral of 9 November 2006, the opinion of prosecutor Nisman of May 20, 2009, the decision of Judge Canicoba Corral of June 9, 2009, and the opinion of prosecutor Alberto Nisman of May 29, 2013.

125 UFI AMIA, 25/10/2006.

126 Federal Court of Instruction No. 6, 09/11/2006.

127 Federal Court of Instruction No. 6, 09/11/2006.



# Chapter V

## Other lines of investigation

*This chapter examines other lines of inquiry that were followed over the years, some of which proved to be of great relevance or high impact at the time, due to either the expectations they generated or the individuals involved.*

### **Introduction**

Many of the topics included here are still under investigation, in the sense that no definitive conclusions have yet been reached in their regard, to the point that there are individuals who are still considered suspects in the main investigation into the bombing. Such is the case of Alberto Kanoore Edul, or some former army officers, the “carapintadas” such as Jorge O. Pacific, in relation to whom there were found to be elements that proved highly suspicious but insufficient to link them directly to the execution of the bombing.

Perhaps in other countries with other legislation those elements would have been enough to at least conduct a trial, but the fact is that not here. The case of Kanoore Edul, who telephoned Telleldín on July 10, 1994 enquiring about a Renault Trafic van—and could not adequately explain that call without resorting to lies— and also had the name and phone number of Mohsen Rabbani listed in his address book, among other factors, is undoubtedly the clearest example of this situation, in which the investigators were unable to advance beyond a certain threshold of strong suspicion.

The case of Kanoore Edul is also problematic because it lies at the center of a serious accusation not only against the former judge and former prosecutors in the case, for failing to investigate him, but also against the former president of Argentina, the former Secretary of Intelligence, and other former officials.

Beyond this allegation, on which it would not be appropriate to comment, since the trial is underway at the time of publication of this report, the truth is that no intelligence service or security force has been able to gather any additional information that might implicate him in order to further the accusation. However, the two elements mentioned above require that he remain under prosecution, despite the passage of time.

One line of investigation that produced significant repercussions was that involving the Brazilian citizen Wilson Dos Santos and the Iranian citizen Nasrin Mohktari. After years of investigation, and a huge waste of resources, both were cleared unequivocally of any responsibility for the bombing, although Dos Santos was convicted of the crime of perjury. A number of documents summarizing this segment of the case have been included here, as stated, due to the media impact generated at the time.

There is also the “carapintada” line of investigation, which involved several members of the Argentine army, associates of theirs, and members of the erstwhile political party MODIN. As with that of Edul, the case of former sergeant Pacífico also exemplifies the procedural limitations to progress in certain scenarios or with regard to certain individuals. His presence at the scene immediately after the bombing, which was first proven and later acknowledged by Pacífico himself, was not satisfactorily explained, and nor was the appearance of a “fake ambulance”—the first to arrive at the bombing site in fact—driven by someone with the surname of Burgos—now deceased—who was also linked to Pacífico. On the contrary, not only they did not explain their presence, but it was confirmed that in attempting to do so they lied. Now, is it enough to detect that a suspect is lying, that he cannot explain undoubtedly compromising circumstances, for it to complicate his procedural situation? In the absence of other evidence to substantiate his participation, no. However, as previously stated, the investigation involving him remains open. The judicial decision presented here highlights some of these suspicions but not all, since, in addition to having proven a number of crimes related to the stockpiling and illegal sale of firearms, the investigation later continued.

Furthermore, it must be said that the arrest of the former carapintadas was at the very least somewhat striking. In 1995, as described in another chapter of this report, the investigation into the bombing led to the Buenos Aires Provincial Police. In fact it was a commissioner of that force, Ángel Salguero, who, in alleged collaboration with Judge Galeano, introduced this lead into the investigation. The striking part was that the group of weapons and explosives traffickers was operating in the area of General Sarmiento, Salguero’s zone of influence. Another situation that drew attention was the fact that when the arrests were made at the Campo de Mayo barracks as part of

the mega operation carried out by the Buenos Aires Provincial Police on the orders of Judge Galeano, also present there was Juan José Ribelli, who at the time was the commissioner in charge of the Motor Vehicle Theft Division of that force, and was already under investigation.

Ultimately, that operation culminated in a group of eleven former carapintadas, which included Pacífico, former lieutenant Juan Carlos Coppe, former deputy sergeant Ricardo Villarino, former sergeant Miguel Ángel Lovera, head of the arsenal of Battalion 601, and seven other non-commissioned army officers being tried and mostly acquitted in a Federal Court for possession and stockpiling of military weapons.

As for the alleged—but so far unproven—connection to the bombing, the case contains wiretaps in which the members of this gang are heard to say things like “I have information about the AMIA”; they refer to two individuals who supposedly had something to do with the bombing and talk about obtaining “milk loaves”, which at the time was taken to mean “loaves” or blocks of TNT. The explanations these individuals provided when giving evidence were basically that “they were joking around.”

Former sergeant Pacífico, meanwhile, declared in his defense that he was in a bar at the corner of Pasteur Street and Corrientes Avenue, two blocks from the AMIA center, when the explosion occurred. The reason he gave for being there was that he had gone to the area to enquire about buying a second-hand BMW. This was later disproven in court, since by that time the car had already been sold. Another member of the group that was in the bar, also a former NCO and carapintada, Burgos, was found in the investigation to have been at the wheel of an unmarked white van, which was acting as an ambulance at the scene. Indeed it was the first—albeit fake—ambulance to arrive and take the injured to hospital. For some time the idea was mooted that these individuals formed a “support” or “rescue” team for the perpetrators of the explosion, but it was never possible to confirm the accusation or move beyond the mere suspicions outlined here.

As has been stated, all these coincidences are more than suggestive—a group of individuals with these characteristics, on hand meters from the explosion and ready to intervene if needed, and whose excuses for having been there later vanished—and perhaps in another country, with other legislation, this would have been sufficient to at least bring them to trial. The truth is that here, and without any value judgment being intended in this regard, the investigation was not able to advance beyond these circumstances, which to this day are still insufficient for even a possible indictment.

Also investigated were the Haddad family and the firm Santa Rita, which owned the dumpster that was sent to the entrance of the AMIA center on the day of the explosion; this was a company that also worked—on other jobs—with explosives sim-

ilar or identical to the one used to blow up the AMIA building. Here too it proved impossible to advance beyond suspicion, which does not change the fact that it was ruled out, as we have seen, that the dumpster had any “involvement” in the bombing.

Finally, also included is a brief summary of several investigation dossiers in which a specific situation or person was or is being investigated. Many of them were later incorporated into more extensive judicial decisions or opinions, but many others were not and still remain open, pending any new evidence that might enable investigators to close them for good or else advance in a particular direction. These dossiers, and the range of topics they address, also serve to show, as has been stated previously, that there was virtually no stone left unturned in the investigation.