

FILING OF COMPLAINT

His Honor the Federal Judge Dr. Ariel O. Lijo

ALBERTO NISMAN, Chief Prosecutor, head of the *Unidad Fiscal de Investigación* [Prosecutorial Investigation Unit] concerned with the attack carried out on July 18, 1994, against the headquarters of the AMIA [*Asociación Mutual Israel Argentina – Argentine Israelite Mutual Aid Association*] [**cause 3446/2012, “Velazco, Carlos Alfredo et al. for abuse of power and breach of duty by a public official, in National Federal Criminal and Correctional Court No. 4, Clerk of Court No. 8**] appears before you and respectfully states:

I. Purpose

In accordance with the legal mandate set forth in article 177 paragraph 1 of the National Code of Criminal Procedure, as representative of the Public Prosecutor’s Office responsible for the Investigation Unit concerned with the “AMIA” cause, I hereby file a complaint relating to the existence of a criminal plan aimed at according immunity to those individuals of Iranian nationality who have been accused in this cause in order for them to avoid investigation and be exonerated from the jurisdiction of the Argentine courts having competency in this case.

This conspiracy has been orchestrated and implemented by senior figures in the Argentine national government with the collaboration of third parties in what constitutes a criminal acts defined, a priori, as the crimes of aggravated accessory after the fact through personal

influence, obstruction or interference with official procedure and breach of duty by a public official (art. 277 ¶¶ 1 and 3, art. 241 ¶ 2 and art. 248 of the Criminal Code). These crimes are the more serious when it is borne in mind that the action whose concealment is the subject of this filing – i.e. the terrorist attack carried out against the headquarters of AMIA – has been legally declared a crime against humanity and classified as genocide by the presiding Judge in the cause.

As demonstrated by the evidence so far uncovered, the calculated decision to conceal those individuals of Iranian nationality who have been accused of the terrorist attack of July 18, 1994, was taken by the head of the National Executive Branch, Dr. Cristina Elisabet Fernández de Kirchner, and implemented mainly by the Nation's *Ministro de Relaciones Exteriores y Culto* [Minister of Foreign Affairs and Worship], Mr. Héctor Marcos Timerman.

In addition, the evidence examined reveals the active involvement in the cover-up plan of a number of individuals whose varying degrees of participation and responsibility the inquiry shall seek to establish: Luis Ángel D'Elía, Fernando Luis Esteche, Jorge Alejandro “Yussuf” Khalil, National Legislative Deputy Andrés Larroque, Dr. Héctor Luis Yrimia and an individual identified as “Allan” who played a significant role in the events, who reports to the Intelligence Secretariat of the Office of the President of the Nation and who, based on the circumstantial evidence obtained, is Mr. Ramón Allan Héctor Bogado.

Moreover, the investigation must also establish the exact role played by several individuals with respect to whom there is prima facie evidence to surmise that they were not unconnected with the alleged criminal scheme, among whom we should mention Julio De Vido, *Ministro de Planificación Federal, Inversión Pública y Servicios de la Nación* [National Minister of Federal Planning, Public Investment and Services].

Finally, it will be the responsibility of the inquiry hereby being carried out to specifically identify and establish the criminal responsibility that all of those persons, whether public officials or otherwise, who were involved in the preparation,

negotiation, finalization and implementation of the agreement signed with the Islamic Republic of Iran as a means of securing immunity. This not only includes those whose positions were in the public eye, but those who eventually participated without that involvement having become common knowledge.

Introduction:

During the course of this complaint, evidence will be adduced to demonstrate the existence of a sophisticated criminal plan that was deliberately devised to conceal and afford immunity to those Iranian nationals who have been accused in the case relating to the attack on the headquarters of the AMIA, in order that they may permanently evade and be exonerated from Argentine justice.

Based on the evidence that has been uncovered, it will also be seen that during the time this criminal plan was hatched and implemented, the energy crisis which, then as now, was being experienced by this country and the desire to reestablish full commercial relations at government level were, together with a diplomatic strategy of rapprochement with the Islamic Republic of Iran, decisive factors in persuading the nation's leader, Dr. Cristina Elisabet Fernández, with the indispensable and invaluable participation and collaboration of Héctor Timerman, to take the unfortunate decision to implement this immunity plan at the expense of justice in the AMIA case.

It will in fact be established that this criminal conspiracy was approved by the nation's president and implemented mainly by her Minister of Foreign Affairs and Worship Héctor Marcos Timerman. The active criminal participation of third parties to this action will also be demonstrated, among whom we should mention Luis Angel D'Elía; Jorge Alejandro "Yussuf" Khalil; National Legislative Deputy Andrés Larroque; Fernando Esteche; the former prosecutor appointed to act jointly,

alternately or successively in the AMIA case, Héctor Luis Yrimia; and a member of the *Secretaría de Inteligencia de Presidencia de la Nación* [Intelligence Secretariat of the Office of the President of the Nation] known as “Allan,” whom the evidence that has been uncovered suggests is Ramón Allan Héctor Bogado.

Moreover, evidence will be submitted that demonstrates that the plan alleged in this complaint included both secret and public negotiations with the Iranians, during which it was agreed to withdraw the Interpol red notices, and that these dealings resulted in the signing of a Memorandum of Understanding that should be understood for what it truly is: yet another means chosen by those named herein to secure what had already been agreed to, namely the immunity of the Iranian fugitives and their permanent removal from the cause.

As will be shown in detail during the course of this complaint, and of which a foretaste will be given a few paragraphs below, the signing and ratification of that document quite simply implies the destruction of the charges that have been filed against the accused Iranian nationals. First, because, as revealed by the evidence, the conclusions reached by the so-called “*Comisión de la Verdad*” [Truth Commission] had been previously arranged by the signatories. Second, due to the fact that, as proven by the evidence, the agreement was an excuse given by the parties to request Interpol to withdraw the red notices. Third, because the confused and ambiguous wording of the latter and the innumerable and consecutive phases described within it while stipulating no date whatsoever for the application of its provisions allows the parties to this immunity agreement to make unspecific reference to the existence of the Memorandum despite the fact that it has no practical legal effect whatsoever.

It will also be proven that the immunity plan devised by the nation’s president included a change of theory and a redirecting of the legal investigation into the AMIA case toward “new suspects” based on false evidence aimed at definitively and fraudulently removing the accused Iranian nationals from the cause. Indeed, some of those named herein were specifically approached for the purpose of fabricating this

false theory. They knew that the “Truth Commission” had not been established for any investigative purpose whatsoever, but only to legitimize the lie that had been created.

It will be established that this criminal plan also involved secret agreements outside of the Memorandum of Understanding. It was therefore agreed – in secret – to withdraw the Interpol red notices that were and are in force against the Iranian officials, this being Tehran’s principal concern in signing the agreement. In addition, it will be proven that it was secretly agreed that former Iranian Defense Minister Ahmad Vahidi, who is currently a fugitive from Argentine justice, would never be interrogated, despite the stipulations contained in the Memorandum that had already been agreed to between the parties: *“this had already been discussed earlier.”*

In addition, it will be shown that the officials involved in this criminal plan, whether Argentine or Iranian, have had a common objective. This therefore has less to do with two parties negotiating an agreement – as was publicly declared to be the case – but involves two partners attempting to erase a criminal charge of crimes against humanity without anyone noticing.

What is more, it will be demonstrated herein that the measures and steps involved in the criminal plan were communicated in real time not only to the Iranian authorities, but also to one of the fugitives in the AMIA cause, Mohsen Rabbani, who participated in trade negotiations with the Argentine authorities involved in this plan and was involved in dealings essentially concerned with securing his own immunity.

It will also be shown that a furious campaign was launched aimed at discrediting the investigation of the case and scuppering the legal version of events, combined with a campaign of deceit consisting of fallacies, stage management, lies, denials, false promises and manipulation of survivors and relatives of the victims of the attack, in order to prevent public opinion knowing the concealed objective hidden behind the Memorandum of Understanding signed with Iran.

In addition, we will exhibit the evidence establishing that the president and the foreign minister shared in the necessary division of labor implied by this complex criminal scheme.

Among those clear and specific contributions made by the president which it has been possible to demonstrate on a solid evidentiary basis, it can be clearly seen that she was not only responsible for the creation of this criminal immunity plan, but that she availed herself of a number of players in order to implement it and was directing it at all times, whether by issuing direct orders to her accomplices or by defining the discourse and leading the media campaign necessary to camouflage the perpetration of the crime.

She therefore appointed several of the participants in the criminal act, directly involving at least one of her ministers and a national legislator; she has controlled the development of the plan at each stage; has negotiated with one of the fugitives through intermediaries; and has been personally involved in some of the cover-up operations required by this sophisticated plan.

Equally, it will be plainly demonstrated that Minister of Foreign Affairs and Worship Héctor Timerman, has beyond question been the principal executor of the immunity plan devised and ordered by the president, Dr. Cristina Fernández.

Involving as it does a criminal plan involving a foreign country, the foreign minister has naturally played and continues to play a key part in taking personal responsibility for many of the elements of this cover-up. In the course of his duties, he transmitted to Iran the decision of the Argentine government to abandon its demand for justice in the AMIA cause; he agreed to the withdrawal of the red notices; he signed secret agreements with the Iranian side; he participated in the negotiations, the drafting and the signing of the Memorandum of Understanding, the centerpiece of the immunity plan. And he became personally involved in the campaign of opprobrium and deception aimed knowingly and intentionally at destroying the credibility of the court case in order to portray the agreement with Iran as the only possible way to resolve the case.

Both officials acted with a single and criminal purpose: to secure definitive immunity for the accused Iranian nationals and the cessation of all criminal proceedings against them in an endeavor to reestablish full trade relations at the government level and to take steps toward a diplomatic rapprochement with the Islamic Republic of Iran, while brooking no criticism whatsoever from Argentine society. All of this arises from the evidence that has been gathered and under no circumstances does it rule out the existence of other motives in addition to those exhibited herein, which in no way would modify or diminish the criminal liability of the accused.

It may not be superfluous to make clear that there is nothing objectionable in trade relations or diplomatic ties between states. The objection arises when it is clearly demonstrated that the aforementioned rapprochement implied a sacrifice, on the part of the Argentine government authorities named in this complaint, of an ongoing legal proceeding, disowning a judgment issued by a national court, and hatching a criminal plan to lift a series of charges filed against Iranian fugitives by the stroke of a pen and with the intention of giving them permanent immunity. An unprecedented act never before witnessed.

This is not a dogmatic assertion. Included in this complaint are numerous pieces of evidence that confirm that it was a desire for Iranian oil that was one of the drivers of the criminal acts alleged herein. By way of example, we could cite a brief segment of the evidence adduced in this document, such as when Fernando Esteche stated as follows with respect to the Argentine government in December 2012: “...*these guys want to reestablish relations between the two states...*” or when Luis D’Elía added as follows in May 2013: “...*I spoke with Julio [referring to Minister Julio De Vido] over there...there’s a real energy crisis here...they’re prepared to send YPF people to negotiate over there [referring to Iran]...he’s very interested in exchanging their stuff for grain and meat...*” or, lastly, when the Iranian agent in Buenos Aires, Jorge “Yussuf” Khalil, confirmed that “...*what Argentina needs is oil...if there’s a real interest in getting going on setting up trade relations on a government-to-government basis with government officials in this country,*

a delegation from there would travel to Caracas or to the Gulf or better still to Beirut...to begin direct relations on an official-to-official basis...”

As if this were not enough, and this is the relevant point, the evidence confirms that the start of Argentine-Iranian commercial exchanges was based on the ratification by Iran of the Memorandum of Understanding, in other words, progress on the immunity plan. In this context, it is worth underscoring the statement by Jorge Khalil, one of the participants in that plan: *“We’ve got the green light here to do business...the main point is that they want to get on with the memorandum...and we spoke with De Vido...Argentina has a pressing need for oil and Iran has a pressing need for grain... On the other hand, De Vido understands that in order to move forward on this, in other words officially, State to State, it is necessary for the Memorandum to be signed...”*

Much to the surprise and indignation of many observers, the evidence will make clear that none other than one of the Iranian fugitives, Mohsen Rabbani, participated in the negotiations, being in receipt of regular reports of ongoing progress within our government via phone. To give another example of the many contained in this submission, we transcribe one of the telephone reports received by Rabbani: *“...today we had a meeting with Minister of Planning De Vido, and he’s willing to send the highest-level executives from YPF to make arrangements with the Islamic Republic, and the transactions can be made through grain and other things...”* to which Rabbani responded: *“Send me the details so I can evaluate them,”* and having done so, he added, *“there are some government sectors here who told me that they’re ready to sell oil to Argentina...and also to buy weapons...”*

In other words, while the nation’s courts were filing charges and maintain charges on the basis of concrete evidence against certain Iranian officials for having ordered, planned and carried out the terrorist attack on the AMIA headquarters, and while the president and the foreign minister publicly gave assurances that their actions were exclusively motivated by a search for justice for the AMIA cause and that the Memorandum of Understanding was the only viable solution

for the case, one of the accused, Mohsen Rabbani, was secretly and clandestinely negotiating, with our government authorities via intermediaries and hidden channels, an exchange of oil for grain, the sale of arms and, most seriously of all, his own immunity.

It may seem all too obvious, but it should nonetheless be pointed out that the events alleged in this complaint are of an extreme and unusual degree of institutional gravity, due both to the seniority of several of those involved in this criminal operation and to the legal classification of the crime in question, namely the concealment of a “prior offense,” which was none other than the terrorist attack on the AMIA headquarters, that has been legally declared a crime against humanity and classified as genocide by the presiding judge, Dr. Rodolfo Canicoba Corral.

Now, to provide due context for the criminal acts alleged herein, it is worth recalling that the Argentine legal system established that it was the most senior figures in the Iranian government who took the decision to attack the AMIA in 1994, who outlined the perpetration of this attack and entrusted its execution to the Lebanese terrorist organization Hezbollah.

As a consequence of this, an international and domestic warrant was issued for the arrest of the former president of the Islamic Republic of Iran, Ali Akbar Hashemi Bahramani Rafsanjani; former Foreign Minister Ali Akbar Velayati; former Minister of Intelligence Ali Fallahijan; former Commander of the Revolutionary Guard Mohsen Rezai; former Commander of the Al Quds Force and former Minister of Defense Ahmad Vahidi; the former cultural attaché at the Iranian Embassy in Argentina, Mohsen Rabbani; the former third secretary of the Iranian Embassy in Argentina, Ahmad Reza Asghari; and former Ambassador of the Republic of Iran in our country, Hadi Soleimpanpour. Red notices – that is, the maximum search priority given by Interpol – are pending against five of the accused since 2007: Fallahijan, Rezai, Vahidi, Rabbani and Asghari.

Based on these charges, the Argentine Republic has for many years been demanding, so far fruitlessly, to the Islamic Republic of Iran

that the accused Iranians be arrested for extradition purposes.

In fact, during his administration Néstor Kirchner not only took the case to the United Nations General Assembly but also firmly rejected all offers made by Tehran aimed at securing a politically negotiated settlement to what was a wholly legal matter. Of this the present submission provides ample documentary evidence as well as various supporting witness statements – by the former *Jefe de Gabinete* [Cabinet Chief], Alberto Fernández; by former Foreign Ministers Rafael Bielsa and Jorge Taiana, and by former Deputy Foreign Minister Roberto García Moritán – who described the agreements proposed by Iran and their total rejection by the former president of Argentina.

The consistent posture officially adopted by Argentina with respect to the AMIA case over a period of years suffered a radical change following the decision by the current president to develop a cover-up plan that would allow the accused Iranian nationals to evade and permanently exonerate themselves from prosecution in order to facilitate, among other reasons, commercial exchange at government level with the Islamic Republic of Iran. Giving evidence on this, former Foreign Minister Bielsa underscored the change in the position of Dr. Fernández's government when he stated: *"she tells the relatives that those who are trading are companies and not the State. This seems to me a bullshit argument and it annoys me a great deal because it was a sacred topic for Néstor... When I was foreign minister, any talk of trade with Iran was casus belli."*

Under these circumstances, the question of bilateral relations was for many years characterized by Iranian indifference to Argentine demands and, on the other hand, by a solid conviction in our country not to engage in any relationship initiative without first obtaining the cooperation of Tehran in the rendition of the accused in order for them to be brought to justice in domestic courts.

It will therefore be demonstrated that in this historical context and against the backdrop of the situation described above, between October 2010 and January 2011 the

Argentine government headed by Cristina Fernández made an about-face with respect to its position on the AMIA case. In effect, that same January 2011, Héctor Timerman traveled to the Syrian city of Aleppo and secretly met with his Iranian counterpart, Ali Akbar Salehi, whom he informed that the Argentine political authorities were prepared to abandon the investigation into the AMIA case together with any demand for cooperation and justice, in order to secure a geopolitical rapprochement and establish full trade relations between the two states.

It will also be shown that Foreign Minister Salehi took note of this offer and communicated it to then-President Ahmadinejad; “...*Argentina is no longer interested in resolving those two attacks...preferring instead to improve its trade relations with Iran.*” This is the first time that a state that has fallen victim to an attack implores the aggressor state to sign an agreement granting immunity to the aggressors.

This therefore initiated a period of secret negotiations between the governments of Argentina and Iran that lasted until September 2012 and during which both parties made gestures that, in the light of the evidence subsequently gathered and analyzed as a whole, are clear indicators of the agreement being developed at that stage. Given the introductory nature of these paragraphs, we may by way of example again cite the Argentine government, which in July 2011 described as “very positive” a letter from the Iranian Ministry of Foreign Affairs in which curiously enough it offered to collaborate in investigating a new theory other than the one put forward in court.

Once these secret negotiations had arranged the cover-up and immunity plan for the Iranian nationals, in September 2012, Cristina Fernández de Kirchner began making these meetings official, having publicly declared before the United Nations General Assembly that the Islamic Republic of Iran had expressed its willingness to negotiate in the AMIA case. We can now understand the reasons for which the president, on that occasion and for the first time, failed to invite Jewish community organizations to join her delegation at

the opening of the General Debate of the aforementioned international assembly. The announcement she would make had been agreed upon in advance and had a purpose other than the one invoked.

It will be shown herein that the statement made by the president was no more than stage management, the first of many that would take place during the course of the immunity plan devised and orchestrated by those Argentine officials named in this complaint. In taking this step, an attempt was made to hide the rapprochement that had been initiated by Argentina and not by Iran, as was stated; and an attempt was made to give the impression that the negotiations would begin thereafter, whereas they had in fact been ongoing for at least a year and a half.

It will therefore be demonstrated that while public diplomatic negotiations were in progress, the immunity plan was progressing on the sly via parallel channels of communication and negotiation with Iran, and with a key aspect of the criminal plan being concocted at that moment: the redirection of the investigation toward a new and false theory that incriminated innocent third parties while effectively exonerating the Iranians from those actions in which they had been active participants: Jorge Khalil, Fernando Esteche, Héctor Yrimia and the individual known as “Allan.”

The visible result of the negotiations, both secret and public, were set forth in the Memorandum of Understanding signed on January 27, 2013, in Ethiopia. The official Argentine version stated that it consisted of a legal instrument permitting investigations to be carried out with regard to the fugitives. The reality was that it was just one of the means selected by the parties to make viable the criminal plan they had negotiated over the course of two years, since its content was and is a function of this spurious ploy.

Let there be no doubt: the agreement between the Iranian representatives and the Argentine authorities extends well beyond the mere contents of the memorandum. The criminal plan consisted of eliminating the charges that the Argentine courts had filed against the Iranian officials, and the best means that was found to clear those charges, provide immunity and portray the

matter in the tidiest possible manner to a deceived nation was to sign the aforementioned bilateral agreement.

This was the case because its terms provide mechanisms for securing the withdrawal of the Interpol red notices, because its implementation consists of three successive stages of undefined duration allowing its effective period to be prolonged indefinitely without making any real progress, because the conclusions of the “Truth Commission” had already been arranged beforehand and the proceedings of the latter allowed for the introduction of a new false theory supported by fabricated evidence.

In effect, and as will be seen, the only stumbling blocks in the way of effective immunity for the accused Iranian nationals have been the Interpol red notices, which have served to restrict their international mobility. It is for that reason that the parties agreed that they should be lifted – hence the existence of point 7 of the Memorandum. It is the only point that was to apply with immediate effect, the only point that had to become effective without any need for the agreement to be ratified. Drafted in those terms, it is completely lacking in any logical explanation. It can therefore be seen that the withdrawal of the red notices was the first and most significant step secretly agreed to between Salehi and Timerman toward the definitive exoneration of the accused.

It should be noted that in the same month that the Memorandum of Understanding was signed, the intelligence agent working for the Office of the President of the Nation, “Allan,” informed the Iranian operative Khalil: *“I’ve got a bit of gossip...they told me there in ‘the house’ [referring to the Intelligence Secretariat]...that Interpol is going to lift the arrest warrants against our friends [referring to the Iranian fugitives]...which is going to happen now.”*

However, much to the surprise of those involved in the cover-up, Interpol caught wind of this attempt to involve it in something where it had no business and acted to avoid the withdrawal of the search warrants before it was too late. It will be seen how this intervention created an unexpected obstacle for those responsible for creating the cover-up. Timerman could not fulfill what he had promised during his secret negotiations with Iran, which prompted

a protest from the Iranians. Note, moreover, that no sooner had Interpol announced that the red notices against those accused in the AMIA case would remain in effect than the Islamic Republic of Iran withdrew the agreement from its parliamentary agenda, and as of this writing has made no official announcement of any domestic approval having been given.

The cause for this about-face is clearly revealed in the evidence that will be submitted herein. The day after his return to Iran, Iranian agent Khalil responded to local queries from the Argentine authorities regarding the reason for Tehran's delay in giving domestic approval to the Memorandum of Understanding: "...*De Vido should know that Timerman failed to comply with a number of things. This is perfectly clear. He failed to comply with a number of things...*" and on another occasion he stated that: "...*I think that fucking Russian [referring to Héctor Timerman] screwed up...something was signed, including the matter of the preventive measures [referring to the red notices]...*"

Aside from the examples given above, what the present document aims to make abundantly clear are two revealing conclusions that can be drawn from the statements, as well as from other evidence that will also be analyzed. The first rests on the certainty as to the existence of a promise made by Foreign Minister Timerman to withdraw the red notices. Timerman failed to comply with this, not because he did not wish to do so, but because Interpol prevented it. Moreover, it will be seen from this complaint that the foreign minister returned to the fray during September and November 2013 with the clear intention of persuading Ronald Noble to yield and authorize the withdrawal of the red notices, under the pretext that the agreement between the parties was at an advanced stage, but fortunately this endeavor also failed to meet with success.

The second conclusion arising from that conversation is that it leaves no doubt that other secret agreements have existed between the parties aside from the signed Memorandum of Understanding. Among other evidence, this statement is corroborated by the testimony of Salehi himself, who unambiguously acknowledged, "*Interpol must withdraw the*

charges against the Iranian authorities... The [contents] of the agreement between Iran and Argentina with respect to the AMIA issue will be made public at the appropriate moment and the question [of the accused Iranian nationals] will be included and we are keeping tabs on it..."

Given that this statement was made in March 2013, it is obvious that Salehi was not referring to the Memorandum of Understanding but to another agreement that has yet to be disclosed.

This is also the context in which the statements by Jorge "Yussuf" Khalil should be understood when he commented on media articles revealing that former Iranian Minister of Defense Ahmad Vahidi would never be interviewed despite having been included in the Memorandum, claiming that the rumor was correct, and that that topic in particular *"had been discussed earlier...as part of the framework"* and that the agreement was *"deeper still."*

In other words, it will hereby be demonstrated that Minister of Foreign Affairs and Worship Héctor Timerman, not only signed a flagrantly unconstitutional Memorandum of Understanding, which also guarantees immunity for the accused Iranian nationals, but also signed secret agreements of much greater benefit to the fugitives. This therefore corroborates that this matter did not involve two parties negotiating a bilateral agreement as publicly represented, so much as two partners fabricating a sophisticated criminal immunity plan to effectively remove the AMIA fugitives from any connection with the attack and close all investigations into them. Indeed, having signed the agreement, the Argentine agent known as "Allan" confessed to his Iranian counterpart: *"...Relax, we've already won; that is, we've won a match. I told you; you didn't have faith in me..."* all of which reveals that both parties had the same criminal objective.

Moreover, it is apparent from the detailed evidence contained in this complaint that not even the timely intervention by Interpol in keeping the red notices in force succeeded in thwarting or preventing the future cover-up being orchestrated. The perpetrators had taken the precaution of devising alternate mechanisms

to reach their goals that are contained in the Memorandum of Understanding.

This can be seen in the very large number of mechanisms provided for in the intricate bilateral agreement. Naturally, this was not the result of any incompetence by those who drafted it but, to the contrary, their expertise in affording the Memorandum a convoluted implementation process requiring verification of an extremely protracted series of procedures, some of them impossible to fulfill in view of the incompatibility between the countries' respective legislative systems, before an accused Iranian national could be arraigned before an Argentine court, namely that: 1) both countries internally ratify the terms of the agreement; 2) there be a mutual exchange of diplomatic memos reporting the aforementioned ratification; 3) each of the signatories proceed to select individuals of recognized legal standing and personal probity to form part of the "Truth Commission"; 4) those selected accept that appointment; 5) a fifth member of the commission be selected by both parties and by common consent; 6) the members of the Commission draft the procedural regulations by which they would be governed; 7) information on the cause be requested; 8) the required information be sent and translated; 9) each of the members of the commission analyze the evidence submitted; 10) they meet to issue recommendations; 11) the signatories be notified of these recommendations; 12) a date be set to hold the hearings; 13) the individuals charged be served notice to appear; 14) they in fact appear for questioning that, as shall be demonstrated, fails to meet the minimum requirements for it to be considered an investigative statement given by an individual accused in a criminal case that is valid under Argentine law. None of these steps has any specific date by which it must be complied with, to the extent that more than a year and a half has passed since the signing of the Memorandum and not even the first step has been completed. Iran has yet to announce ratification of the agreement. It can clearly be seen that the terms of this agreement, which reflects underlying criminal activity, has been drafted in such a manner as to make it all too easy to delay compliance for an indefinite period.

Another key to permanent immunity is the operation of the “Truth Commission” itself whose aim, when the time comes, is to receive and evaluate new evidence and submit new theories that do not include the Iranians as suspects, thereby legitimating the redirection of the inquiry. The commission will evaluate a new false truth, one artificially confected by the unscrupulous creators of this evil plan. Once again, this statement is supported by direct evidence. On the day of the signing of the Memorandum, the Iranian agent Jorge Khalil stated that: “...*someone’s going to get egg on their face here...*” while being quite certain that it would not be the country he served since “...*Obviously, this has already been arranged... How will it turn out for our side, dude? I mean, we’re seated at the table...*”

Accordingly, it will be demonstrated using categorical evidence that once the Memorandum of Understanding was signed, the Argentine government began a campaign to support and protect the Iranian officials posted in Buenos Aires who, having become aware of this, stated, “*the government is now in favor*”; “...*the government has accepted this...*” and Khalil himself acknowledged that “...*We’re in the process of signing an agreement with the national government...following negotiations with the national government...*”

In another section of this complaint it will be demonstrated that as an integral part of the criminal plan, its creators and accomplices had already planned and made progress toward fabricating a false incriminating theory with invented evidence to redirect the inquiry toward innocent third parties and thereby permanently dissociate the Iranian nationals from the case. Referring to that fraudulent act of exoneration, as early as December 2012 Esteche stated: “*they want to create a new enemy for AMIA, the new perpetrator of the AMIA, it’s something they have to build...*” From this conversation we can see that this task was made the responsibility of specially appointed officials of the Intelligence Secretariat.

In other words, at a time when neither the legal system nor the relatives were aware of what was occurring in the negotiations between Argentina and Iran, those

involved in the cover-up knew perfectly well that they were working towards a change of theory and redirection of the investigation toward new suspects. This was the case because they themselves were responsible for fabricating this false accusation.

This explains “Allan’s” choice of words when he stated, “...*we’re in a different country, this is a different world situation and we need to work in a different context...*” and “...*there will be a new theory with new evidence...*” and that they would remove the undersigned prosecutor of the cause “*because he never saw it, the evidence...what is going to come out now.*”

Regardless of the evidence, the facts or their actual responsibility for the attack, the Iranian nationals had to be dissociated from the cause, Iran was going to have its “slate wiped clean” and all this had been agreed “at the very top,” in other words it had the presidential seal of approval. All this had been agreed and the AMIA case was to be used as a pawn to satisfy geopolitical interests on the new world stage.

Showing a hint of irony, on signing the agreement the foreign minister issued a statement that reads as follows: “...*The national government hereby confirms that the only commitment is to the victims and to the right of their family members to find due recompense in truth and justice. Argentina hereby reiterates that there is no room in that objective for geopolitical interests, whether domestic or foreign...*” The evidence set forth herein reveals that this was not the case and that commercial and geopolitical interests propelled a secret immunity plan that has nothing to do with the search for justice.

Moreover, it is appropriate at this point to underscore the serenity with which all those involved in the immunity plan carried out their activities, particularly the individual known as “Allan,” who has gone about his business unrestrictedly and without deeming it necessary to act in a covert manner, not even out of regard for the highly sensitive nature of the matter in question. This is due quite simply to fact that he is acting on orders from above, on explicit directives from the nation’s president, for which reason he has not had to concern himself with camouflaging his activities. “Allan” himself admitted the existence of that indemnity. The

redirection of the investigation and the undermining of the legal authorities responsible for the investigation had the presidential seal of approval: *“don’t worry, all this has been agreed to at the very top.”*

In addition, as will be demonstrated with even greater clarity over the course of the following pages, it will be seen that both the president and her foreign minister personally contributed to elaborating this criminal plan. Both were involved in a political and media campaign aimed at implanting the notion, together with other false ideas, that the cause of the AMIA attack had been paralyzed practically from the outset.

The manner in which Dr. Fernández and Mr. Timerman have manipulated the survivors, the relatives of the victims of the attack and the Jewish community associations by deploying a full battery of lies, fallacies and deception, typified by the promise issued by the president to consult relatives and victims prior to the acceptance of any proposal from Iran but that was flagrantly ignored, will be treated in the closest detail. Let us recall that in September 2012, the president stated: *“...let there be no doubt that this president will not take any decision with respect to any proposal put to her without FIRST consulting with those who have been the direct victims of this. And, at the same time, also with those political parties having parliamentary representation in my country, because this matter cannot be settled by a single political entity...”*

The truth was ugly. The relatives and the victims of the attack were deceived since, contrary to what had been promised, they were never consulted. Moreover, they had to learn about the signing of the Memorandum of Understanding with the Islamic Republic of Iran through the media. Nor was any notice paid to them when they overwhelmingly expressed their rejection of the ratification of the agreement by the National Congress. It is therefore clear that regardless of what the relatives said, the decision had already been taken. The Memorandum had been signed to secure a hidden objective: afford immunity to the accused Iranian nationals

and allow the Argentine government to justify the reestablishment of trade relations and the rapprochement with Tehran to its citizens and the international community. That is why the agreement had to be approved at any cost, because it removed the only obstacle to an association with Iran. It was absolutely essential for the success of the plan that had been hatched.

The irony! A president who publicly gave assurances to the survivors and relatives of the victims of her commitment to the search for truth and justice, who declared that the government would not permit the use of the AMIA case as a pawn in geopolitical affairs, who took up the matter because the cause had reached a state of paralysis, was in fact the principal architect, together with Foreign Minister Timerman, of the fraudulent redirection of the investigation and the concealment of those accused. In her speech she spoke of justice and truth. In fact she granted immunity. Astonishing. It is therefore terrifying to realize that all of these actions have involved the manipulation of facts and people, not to mention the commission of criminal acts.

It will also be established that the meeting held on September 28, 2013, between the foreign ministers of both countries was in fact no more than a previously arranged piece of stage management organized at the request of Cristina Fernández in order to deceive Argentine public opinion.

Meanwhile, speaking before the United Nations General Assembly, the president had a few days earlier vigorously exhorted the new president Hassan Rohani to make progress on implementing the agreement, while under the table, Dr. Cristina Fernández was at the same time engaged in discussions with senior figures in the Iranian government and with Mohsen Rabbani himself using the parallel channels of negotiation that had been developed to carry out this criminal plan. The Argentine envoy Luis D'Elía described this request: “...*I have an urgent message from the Argentine government to deliver to them [referring to Iran] as a matter of urgency before tomorrow... I'm in the Presidency right now... Believe me, there's no matter of greater importance than this... I need you to speak to the Sheikh over there* [referring to

Rabbani] *look, it's a really important matter, OK?...*" The president was anxious to receive some public statements by Tehran, even if false ones, since they served the purposes of the immunity plan and were aimed at securing the ultimate goal: a commercial and diplomatic rapprochement with Iran.

The recipient of D'Elía's message and the individual responsible for transmitting it to Iran, Jorge Khalil, revealed this information when he stated: "...*She needs the Iranian government and the Argentine government to jointly announce the establishment of the Truth Commission tomorrow...*" This gives a foretaste of what will be demonstrated in this point: the overwhelming concern of those responsible for the cover-up to proceed with the plan, the existence of channels of communication and negotiation parallel to the official ones and hidden from public opinion, blatant evidence that the details of the criminal plan were arranged in secret via these channels, and that the public utterances by the president and the foreign minister have been no more than media window-dressing to deceive the people as to the real status of the AMIA case.

Finally, it shall be demonstrated that, as indicated at the start, this sophisticated plan was carried out by a team of co-conspirators. In the first place we should mention the name of Luis D'Elía, who has long been a staunch defender of both the Iranian regime and the national government, to the point of describing himself unconditionally as "a foot soldier" of the president: "...*I have to play the game of the [Casa] Rosada [the Presidential Palace]... If I'm ordered not to go, I remain here as a foot soldier...*" He operated as a secret representative of the Argentine government authorities and as the transmitter and recipient of clandestine messages from his Iranian counterpart. His voice has been that of the national government and his background made him well suited for this task. Ideologically inseparable from both sides in this criminal pact, he visited Iran several times as a guest of the regime and on one occasion was offered a similar agreement to that subsequently signed by Timerman, in which a withdrawal of the red notices was already included. All of his visits to Iran included

interviews with the most senior figures and being photographed with, among others, the fugitive Mohsen Rabbani with whom he has a long-standing association.

Jorge Alejandro “Yussuf” Khalil is the most significant figure in Argentina of the Iranian regime, more important even than the former Iranian chargé d’affaires in this country by comparison with whom he enjoyed greater power, as will be seen below. He was a full-time and militant supporter of Iranian interests as well as the “voice and ears of Iran” in Argentina. In that capacity he has operated as the central link in the association between Iranian and Argentine officials within the context of the actions alleged in this complaint, thereby operating as the point person for the parallel diplomacy between Buenos Aires and Tehran, that was leveraged in order to bring about the immunity plan. He participated both in the creation of the false lead and in the negotiations with the Argentine government relating to the commercial exchanges it sought to establish with Iran at government level. And he kept the fugitive Mohsen Rabbani constantly informed of all progress made in the plan.

Fernando Esteche is the leader of the Quebracho group with very close ties to the national government, that for many years has been a supporter of Iranian interests, so much so that he has been financially supported by that regime. His involvement was crucial since he is one of the individuals who made the creation of the cover-up plan possible by linking the Iranian agent Khalil with Argentine intelligence officials and especially with the former prosecutor appointed in the AMIA cause, Héctor Yrimia, as well as contributing key ideas to the creation of the new false theory.

National Legislative Deputy Andrés Larroque has also been a key player in the formulation of the criminal plan, since his proximity both to the nation’s president and to those involved in the cover-up makes him a link and an intermediary for transmitting information between the creators and the accomplices in the cover-up. A number of instances will be revealed of Larroque issuing presidential directives both to Khalil and to D’Elía regarding how they should act. An example is the occasion in November 2012 when Khalil acknowledged, “... *I’ve just come from La Matanza where I recently*

had a meeting with Luis D'Elía and 'el Cuervo' [the Crow] Larroque, the one from La Cámpora [pro-Kirchner political youth organization]...who called me early because they wanted to talk with me, since they had a message from the government to present... And I'm now off to Martínez to deliver the message at the Ambassador's residence..." His involvement has been indispensable in the criminal maneuvers to avoid direct contact between the creators and the executors of the immunity plan.

Dr. Héctor Yrimia, then prosecutor for the Federal Criminal and Correctional Trial Court, was appointed on the day of the attack to act jointly, alternately or successively with other prosecutors in the AMIA case. For this reason he obtained detailed knowledge of the facts relating to the investigation and was therefore familiar with the evidence, testimony, expert opinions and reports on the cause, and it is that detailed grasp of information that has made him indispensable for the successful development of the plan. His contribution was made where it was most needed: in the concoction of a false theory in which, making use of information obtained in the course of his public duties, he has cooperated in that phase the plan.

Special mention should be made of the individual known as "Allan," who reports to the Intelligence Secretariat of the Office of the President of the Nation. This individual has access to the president's inner circle, enjoys privileged information, including as to the president's health, who has expressed his sympathies with the Iranian regime and has repeatedly acted on behalf of foreign interests to the detriment of domestic ones. He has also transmitted secret information protected by intelligence laws to the agents of a foreign power and has been trusted by the president to implement part of the immunity plan owing to his dedication, obedience and above all his unscrupulousness when it comes to the manipulation of evidence and individuals in order to accomplish the illegal strategy entrusted to him by his chief.

Indeed, it will be amply demonstrated and proven that the participants in the cover-up, and especially the so-called "Allan," together with the former prosecutor appointed to act in the AMIA cause and former Examining Magistrate, Dr. Héctor Yrimia, have worked to secure and negotiated the immunity of

the fugitives in the AMIA cause, transmitting sensitive, classified information to his Iranian counterpart for this purpose, contributing to the contrivance of a false lead with invented evidence, conspiring against the judicial investigation and even utilizing the resources of the State to remove any obstacle that may have appeared during the execution of the cover-up plan.

Finally, the facts briefly summarized herein constitute the implementation of a sophisticated cover-up plan in order to grant immunity to those Iranians accused in the AMIA cause, which course was decided upon by President Cristina Fernández and implemented mainly by her Foreign Minister Héctor Timerman with the collaboration of individuals who, by their nature and expertise, proved to be ideal in carrying out this criminal act.

The ironic and above all aggravating feature of this criminal plot was that the instigators of the plan did not hesitate to destroy the case built by the Argentine courts in order to attain their criminal objectives, at the expense of 85 deaths, while at the same time publicly claiming that their sole aim was to find truth and justice.

II. Preliminary Clarification with Respect to the Evidence:

Some of the evidentiary basis supporting the instituting of the present complaint is accessible to the public. However, another portion thereof has come to the attention of the undersigned in the exercise of his duties and within the context of the investigation into the attack perpetrated against the headquarters of the AMIA, namely the product of court-ordered wiretaps in the AMIA cause, including those predating the start of the spurious negotiations.

Initially, and solely in the context of the inquiry into the attack, direct evidence, circumstantial evidence and events were uncovered or assimilated in an

isolated manner and independently of each other, in such a way as to reveal nothing of the criminal origin that it is now known they had in common. However, the passage of time and, above all, the appearance of new evidence of undeniable criminality allowed a suspicion to gain hold and take shape as to the existence of the criminal plan demonstrated herein, since the evidence obtained, when analyzed as a whole, revealed the existence of extremely serious criminal activity.

The serious irregularities and crimes revealed by analysis of the wiretaps became ever more plain. It became obvious that the conversations engaged in by the accused had a corresponding connection with reality, and that the participants had foreknowledge of what was occurring.

So it was that the criminal plot alleged in this complaint was revealed and many of the issues raised by the actions of the Argentine government, such as the terms under which it had drafted and signed the Memorandum of Understanding, were explained by the results of the court-ordered wiretaps.

Just as a jigsaw takes shape as each new piece that is added, so the heart of the cover-up plan swam into focus, the phases of the *iter* criminis became clearer and it was possible to unravel at least part of this sophisticated operation.

One should not be so simplistic or naïve as to believe that the present submission encompasses all of the elements contained in the criminal immunity plan. Truth to tell, what can be discerned, grave as it is, is no more than the tip of the iceberg. In connection with this, it should be noted that the most sensitive elements of the planning of the crime were not discussed by phone but agreed in person, meaning that swift legal action to reconstruct the succession of events has in this case proved essential.

Consequently, it should be stated that the allegations made this complaint, though of unusual institutional gravity, form only a small part of the plot and the illegal activities that have been carried out. It will be for the Examining

Magistrate to establish quite how far this cover-up and immunity plan has actually gone.

Moreover, it should be stated that it has been possible to corroborate the facts and references arising from the recorded conversations, either because they have entered the public domain or because they are consistent with subsequent facts or statements that have also become common knowledge. In other words, references, circumstances, dates, episodes, political positions – essentially, an assorted collection of topics mentioned in the telephone exchanges reproduced herein – have been linked to actual events, all of which serves to bolster the credibility of the recorded conversations.

The examples are extremely numerous. Among many other references that are common knowledge, are mentions of and comments on:

- the signing of the Memorandum of Understanding (Conversations of 1/27/13, telephone no. 11-3315-6908, File B-1009-2013-01-27-112032-4, CD 266; File B-1009-2013-01-27-112552-12, CD 266; File B-1009-2013-01-27-113208-14, CD 266; File B-1009-2013-01-27-122441-28, CD 266; File B-1009-2013-01-27-174637-12, CD 266);
- speeches by national senators (Conversations of 2/13/13, telephone no. 11-3315-6908, File B-1009-2013-02-13-123827-24, CD 283; Conversation of 02/13/2013, telephone no. 11-3315-6908, File B-1009-2013-02-13-184206-28, CD 283) and national legislative deputies (Conversations of 2/26/13, telephone no. 11-3315-6908, File B-1009-2013-02-26-180341-24.wav, CD 296) during the parliamentary debate;
- the trip by Dr. Cristina Fernández to the funeral of Hugo Chávez (Conversation of 03/05/2013, telephone no. 11-3315-6908, File B-1009-2013-03-05-231220-24.wav, CD 303, File B-1009-2013-03-05-231812-18, CD 303);

- the apparent approval by Mahmoud Ahmadinejad of the Memorandum of Understanding (Conversations of 5/20/2013, telephone no. 11-3238-4699, File B-1009-2013-05-20-122551-14, CD 31; File B-1009-2013-05-20-130258-12.txt, CD 31; File B-1009-2013-05-20-130715-14, CD 31; File B-1009-2013-05-20-130940-28, CD 31; File B-1009-2013-05-20-132253-6, CD 31; File B-1009-2013-05-20-133130-8, CD 31; File B-1009-2013-05-20-140034-12, CD 31; File B-1009-2013-05-20-143508-24, CD 31; File B-1009-2013-05-20-153449-10, CD 31; File B-1009-2013-05-20-161759-6, CD 31; and of 5/21/13, telephone no. 11-3238-4699, File 2542, CD 32);
- the ruling issued by this Prosecutorial Investigation Unit on May 29, 2013 (Conversation of 05/31/2013, telephone no. 11-3238-4699, File B-1009-2013-05-31-095657-14, CD 42);
- the article by journalist Roger Noriega published on *Infobae* on Edgardo Assad's links with terrorism (Conversation of 6/1/2013, telephone no. 11-3238-4699, File B-1009-2013-06-01-224726-18, CD 43);
- the presidential elections in the Islamic Republic of Iran (Conversation of 6/14/13, telephone no. 11-3238-4699, File B-1009-2013-06-14-191219-18, CD 56);
- "Periodismo para Todos" [Journalism for All] television program broadcasting a report on Luis D'Elía (Conversation of 7/7/13 telephone no. 11-3238-4699, File B-1009-2013-07-07-224045-18, CD 79);
- the visit of Emilio Pérsico to the headquarters of the AMIA (Conversation of 8/15/13, telephone no. 11-3238-4699, File B-1009-2013-08-15-234225-2, CD 118);
- the complaint filed by National Legislative Deputy Elisa Carrió (Conversation of 8/23/13, telephone no. 11-3238-4699, File B-1009-2013-08-23-130443-6, CD 126);

- the report by the undersigned broadcast on Radio Jai (Conversation of 11/14/13, telephone no. 11-3238-4699, File B-1009-2013-11-14-092352-14, CD 209);
- the public statements by the former Israeli ambassador in Argentina, Yitzhak Aviran (Conversation of 1/4/14, telephone no. 11-3238-4699, File B-1009-2014-01-04-190349-16, CD 260; File B-1009-2014-01-04-235658-12, CD 260)
- the meeting between the Governor of the Province of Corrientes and the Iranian chargé d'affaires in Argentina (Conversation of 2/4/14, telephone no. 11-3238-4699, File B-1009-2014-02-04-093431-30, CD 291).

These are just a few examples of the abundant and varied references arising from the court-ordered wiretaps that can be linked to actual events.

Put another way, there is a correlation between fact and the issues mentioned in these exchanges that strengthens the evidentiary value of this material and affords it the necessary conclusiveness in view of the nature of the plot alleged in this complaint.

Consequently, and in view of the unusual importance of the facts alleged in this complaint, and notwithstanding any future submissions to expand it, it is appropriate not only to file the present complaint but also to request an immediate and urgent investigation into facts that, like these presents, are characterized by an uncommon degree of institutional gravity.

III. Background

a) The charges against the Iranian officials in the AMIA cause

On July 18, 1994, at approximately 9:53 in the morning, a Renault Trafic pickup loaded with an amount estimated

at the equivalent in TNT of between 300 and 400 kg of a compound of ammonium nitrate, aluminum, heavy hydrocarbon, TNT and nitroglycerin exploded in front of the building at calle Pasteur 633, where the Argentine Israelite Mutual Aid Association (AMIA), the *Delegación de Asociaciones Israelitas Argentinas* [Delegation of Argentine Israelite Associations – DAIA] and other groups had their headquarters. This action resulted in the deaths of eighty-five people, injuries of varying degrees of severity to at least one hundred fifty-one people, and extensive material damage.

Despite what occurred during the first few years of the inquiry, on October 25, 2006, the undersigned issued an opinion accusing a Lebanese citizen and seven Iranian citizens, all of them senior officials in the Iranian government at the time, of involvement in the attack of July 18, 1994 (pp. 122,333–122,738 of the main proceedings).¹

On November 9, 2006, the presiding judge, Dr. Rodolfo Canicoba Corral, issued domestic and international arrest warrants against nine individuals against whom charges had been filed (one Lebanese and eight Iranians),² with a view to securing their extradition in order to for them to give investigative statements in the cause (pp. 122,775–122,800).

As a result of this, INTERPOL Buenos Aires prepared and issued the corresponding red notices. Having established that the wanted individuals had not appeared, the Argentine courts accordingly declared them to be in contempt of court on December 1, 2006.

¹ Unless otherwise stipulated, the pages referenced correspond to the main corpus of the AMIA cause.

² They are: Ali Akbar Hashemi Bahramani Rafsanjani (President of the Islamic Republic of Iran at the time of the events), Ali Fallahijan (then Iranian Minister of Information), Ali Akbar Velayati (then Iranian Foreign Minister), Mohsen Rezai (then in command of the “Pasdaran” Corps of the Revolutionary Guard), Ahmad Vahidi (then in command of the elite “Al Quds” Force of the Revolutionary Guard), Mohsen Rabbani (Cultural Attaché at the Iranian Embassy in this country at the time of the events), Ahmad Reza Asghari or Mohsen Randjbaran (then Third Secretary of the Iranian diplomatic delegation in this country), Hadi Soleimanpour (then Ambassador of the Islamic Republic of Iran in Buenos Aires) and Imad Fayeze Moughnieh (then in command of the Foreign Service of Hezbollah). Moughnieh was the only Lebanese citizen included in that order. The rest were Iranian citizens. The Prosecutorial Unit filed no charges against Hadi Soleimanpour, despite which the presiding judge of the cause upheld the charge and also issued an arrest warrant.

The arrest warrants issued by Judge Canicoba Corral at the request of this Prosecutor's Office were questioned by the National Central Bureau [of INTERPOL] in Tehran (NCB Tehran). The General Secretariat of INTERPOL invited the parties to a meeting scheduled for January 2007. On the 22nd of that month the Argentine delegation, headed by the undersigned, made a presentation before that General Secretariat in which it provided a detailed exposé of the reasons and arguments justifying a new publication of the red notices relating to the international arrest warrants issued in the cause.

In particular, it was explained that the new arrest warrants were based on a legal decision by a sovereign state on the basis of new evidence and were consistent with the requirements stipulated by INTERPOL for filing measures of this nature, exhorting the authorities of the organization to make immediate provision for the search and arrest of any individual accused of having participated in the largest terrorist attack in the history of our country.

Having also listened to the arguments of the Iranian delegation, the General Secretariat of INTERPOL ordered the matter to be addressed by the Executive Committee of the body while the same time ordering the Office of Legal Affairs to prepare an opinion on the matter under debate.

That office drew a valid distinction between the arrest warrants for Iranian citizens prepared by former Judge Galeano (called AMIA I) and the arrest warrants issued in November 2006 by Dr. Canicoba Corral (called AMIA II) recommending that the request for the issue of red notices be granted with respect to five of the eight accused individuals.

The status of those who, at the time of the events, were discharging the offices of president and foreign minister of the Islamic Republic of Iran, was deemed to resemble that assessed by the International Court of Justice in the case of *Democratic Republic of the*

Congo vs. Belgium and the red notices were barred. Nor was a red notice issued in respect of the former Iranian ambassador to Argentina, Hadi Soleimanpour.

In addition, with respect to the presentation made by the undersigned at the headquarters of INTERPOL, its General Secretary, Mr. Ronald Noble, stated: “...*the highly professional explanation of their case provided by the Argentine prosecutors involved in the cause, presenting the accused one by one, was a significant factor in the conclusion reached by the Office of Legal Affairs that the case for the request for red notices on the part of the Buenos Aires NCB had no overriding political bias such as to invoke the prohibition set forth in article 3...*”

In March 2007 the INTERPOL Executive Committee meeting took place in which this matter was to be settled (South Africa, Chile, Singapore, Italy, Algeria, United States, South Korea, Spain, Morocco, Brazil, India, Russia and Germany). The Argentine delegation again traveled to the city of Lyon, France. On the 14th of that month the signatory to this complaint presented his position before the members of the Executive Committee meeting for that purpose in the headquarters of INTERPOL. Once the argument had been delivered, some members asked questions relating to the case, to which responses were given. The Iranian delegation then made its own presentation.

Finally, both delegations were convened in the session room in which the president of the Executive Committee announced that, following careful review of the presentations of both delegations submitted both textually and orally, a unanimous decision had been reached to ratify and endorse the recommendation made by the General Secretary of the Organization following the meeting of January 22, 2007, and consequently ordered the issuance of the red notices with respect to Imad Fayez Moughnieh, Ali Fallahijan, Mohsen Rabbani, Ahmad Asghari, Ahmad Vahidi and Mohsen Rezai, and to reject the request relating to Ali Rafsanjani, Ali Velayati and Hadi Soleimanpour (the latter of which had been requested only by The Hon. Canicoba Corral).

It was also reported that the issuance of the red notices ordered by the Executive Committee would take effect from March 31, 2007, unless an appeal was filed by any of the NCBs involved in the controversy, in which case the matter would be referred for consideration to the General Assembly of the organization that was scheduled to meet in the Kingdom of Morocco in November 2007.

On March 22, 2007, this Prosecutor's Office was notified that the Tehran NCB had formally appealed the decision of the Executive Committee, requesting that the matter be brought before the General Assembly, which request was favorably received by the authorities of this international policing body, this matter being added to the agenda of the aforementioned meeting of the above-referenced assembly.

As on previous occasions, it was deemed appropriate for the head and the general coordinator of this Prosecutor's Office to be in attendance together with the members of the Buenos Aires NCB at the 76th Annual Meeting of the General Assembly of INTERPOL held in the city of Marrakesh, Kingdom of Morocco, where a decision would be made with respect to the issuance of the five new red notices ordered in these proceedings.

On October 16, 2007, a communication was received from the Office of the General Secretary of the International Criminal Police Organization containing the agenda to be covered during the annual meeting. Point 8 c) made provision to settle the dispute between Iran and Argentina over the issuance of the red notices in view of the appeal filed by the Islamic Republic against the decision adopted by the Executive Committee in March 2007.

However, prior to the start of the deliberations in the General Assembly, the Executive Committee of that body was required to meet on November 3 and 4, 2007, in consequence of the request made by the Iranian delegation to postpone addressing this question until the following year. The Executive Committee rejected the request for postponement and authorized the General Assembly to address the matter.

On November 7, 2007, the matters relating to the issuance of the red notices were submitted for debate and subsequent voting by the

General Assembly of Interpol. On that occasion, after one of the delegates of the Iranian party had stated that country's position before the representatives in attendance, the undersigned representative of the Argentine delegation rebutted those allegations and submitted the grounds justifying the issuance of the red notices without delay. Once these presentations had been completed, the delegations present cast their votes. The Argentine position was approved with 78 votes in favor, 14 against and 26 abstentions. In accordance with this, the governing body of the International Criminal Police Organization gave its full endorsement to the position put forward by the Argentine delegation and as a consequence ordered the issuance in the form of red notices of the arrest warrants against the Iranian citizens Ali Fallahijan, Mohsen Rezai, Alimad Vahidi, Mohsen Rabbani and Ahmad Reza Asghari, in addition to that already in effect with respect to the Lebanese citizen Imad Fayeze Moughnieh. On November 13, 2007, a summary was received of the formal communication issued by Interpol relating to the publication of the arrest warrants.

This therefore brought to a successful conclusion a lengthy and intricate process that, in view of the vicissitudes suffered by the investigative file, represented a significant step forward in the effort to clarify the facts. By means of this process, the actions of the Prosecutorial Investigation Unit headed by the undersigned secured the definitive issuance of the red notices regarding the suspects in the cause by a significant margin, which at that moment not only reflected the solidity of the case and the progress made by the investigation, but also a restoration of confidence by the international community in the effectiveness, probity and efficiency of Argentine justice, which had been seriously damaged with respect to this case by the actions of the preceding judge.

On this basis and over the next few years, the Argentine Republic protested to Iran through various channels and in various international fora at its failure to cooperate with the investigation and its refusal to extradite the accused. For its part, Iran never yielded to these protests nor accepted any of the alternatives offered by Argentina to subject the accused Iranian nationals to legal proceedings.

Until, at least publicly, the nation's president, Cristina Fernández, announced in September 2012 before the United Nations General Assembly that she had instructed her Foreign Minister Héctor Timerman to begin a process of negotiations with Iran regarding the AMIA case. According to the official version of events, Foreign Minister Timerman first met with Iranian Foreign Minister Ali Akbar Salehi to discuss this matter on September 27, 2012.

Official communiqués were issued relating to a series of meetings between representatives of both countries with regard to which no details were provided (Press Releases by the Ministry of Foreign Affairs and Worship dated 9/27/12 – No. 313/12; 10/29/12 – No. 353/12-; 10/31/12 – No. 360/12-; 12/1/12 – No. 391/12; 1/7/13 – No. 002/13-).

Exactly four months later and after three meetings in Switzerland, on January 27, 2013, the two foreign ministers met in Ethiopia when they signed the “Memorandum of Understanding between the Government of the Argentine Republic and the Government of the Islamic Republic of Iran regarding matters in connection with the terrorist attack on the AMIA headquarters in Buenos Aires on July 18, 1994” (Ministry of Foreign Affairs and Worship, Press Release No. 011/13 dated 01/27/2013).

On February 7, 2013, the nation's president sent the agreement to the National Congress for ratification (File No. 296/12), requiring the convening of extraordinary sessions for that purpose due to the fact that parliament was in recess. Having been discussed in committee, both legislative chambers ratified the agreement, which was passed into National Law No. 26843 of February 27 and promulgated the following day in the *Boletín Oficial* [Official Gazette] of March 1, all in 2013 (B.O. No. 32,591).

For his part, on March 10, 2013, the then president of the Islamic Republic of Iran, Mahmoud Ahmadinejad, sent the agreement to his parliament (the Majlis), which on March 21 went into recess for the Iranian new year (Nouruz) and did not reconvene

until April 8. At no time did it address the memorandum, which was eventually removed from the parliamentary agenda (Pagni, Carlos, “El kirchnerismo, en el peor de los mundos” [Kirchnerism in the worst of all worlds], *La Nación* 5/30/13; “El memorandú con Argentina llega al parlamento iraní” [The memorandum with Argentina reaches the Iranian parliament], *Europa Press*, 3/11/2013; Kollmann, Raúl “Con novedades semana a semana” [News from week to week], *Página 12*, 3/24/13).

More than two months later, and specifically on May 20, 2013, Ali Pakdaman, then Iranian chargé d'affaires in Buenos Aires, issued statements to the press deClarín that President Ahmadinejad had approved the agreement under his own signature on May 19 (“Tehran aprobó el memorándum por el atentado a la AMIA” [Tehran approves memorandum on the AMIA attack], *Página 12*, 05/20/2013; Kollmann, Raúl, “Ahmadinejad eligió la vía expeditiva” [Ahmadinejad opts for the fast track], *Página 12*, 05/21/2013). However, the truth is that no formal notification of this alleged approval has so far been received (Ministry of Foreign Affairs and Worship, Press Release No. 110/13 dated 5/21/13).

On August 4, the new president of the Islamic Republic of Iran, Hassan Rohani, took office resulting in a number of changes to the composition of various areas of government in Tehran.

On September 28, 2013, a year after the start of the official negotiations, the new Iranian Foreign Minister Mohammad Javad Zarif met with Foreign Minister Timmerman in the United Nations headquarters in New York, United States. After the meeting, Timmerman declared in statements made to the press that Javad Zarif had given assurances that Iran had approved the memorandum with the endorsement of the National Security Council and the Supreme Leader (Miri, Ignacio, “Timmerman dijo que Irán aprobó el pacto por la AMIA, pero aún no rige” [Timmerman states that Iran has approved the AMIA agreement, but that it has yet to take effect], *Clarín*, 09/29/2013; Pisani, Silvia, “Irán le confirmó a Timmerman que ya aprobó el acuerdo” [Iran confirms to Timmerman that it has already approved the agreement], *La Nación*, 09/29/2013; “Timmerman anunció nueva reunión con Irán en noviembre” [Timmerman announces new meeting with Iran in November], *Prensa Argentina*, 09/28/2013; “Timmerman ratificó la aprobación del memorándum de entendimiento con Irán y un

nuevo encuentro” [Timerman confirms approval of memorandum of understanding with Iran and a new meeting], *Télam*, 09/28/2013; “Irán aprobó el memorándum de entendimiento por la AMIA” [Iran approves memorandum of understanding over the AMIA], *Página 12*, 09/28/2013),

After a further two months of silence from Iran, officials of both foreign ministries resumed negotiations in Zürich on November 20 and 21, 2013, on which occasion Argentina submitted a written proposal covering certain matters relating to the implementation of the memorandum. Iran promised to issue a prompt response (Ministry of Foreign Affairs and Worship, Press Release No. 279/13 dated November 24, 2013).

However, despite the passage of more than a year and a half since it was signed, and despite various statements made by Iranian officials, Iran has yet to formally announce any type of internal approval of the agreement and, consequently, there has been no exchange of *notes verbales* to signify the coming into force of the memorandum (point 6).

Meanwhile, a number of proceedings have been formally filed before various Argentine courts questioning the constitutionality of the aforementioned memorandum.

Specifically, on May 15, 2014, Chamber I of the Federal Criminal and Correctional Court [CCCF] in this city resolved to approve the *amparo* [appeal on constitutional grounds] proceeding filed by representatives of the AMIA and DAIA and, consistent with the opinion given by the undersigned, declared unconstitutional both the Memorandum of Understanding and the law approving it. In addition, as a precautionary measure, the same court ordered that ruling communicated to the National Executive Branch, and in particular the Ministry of Foreign Affairs, in order to prevent them executing the agreement while appeals were still pending. Chamber I also ordered the presiding judge in the cause, Dr. Canicoba Corral, to utilize diplomatic channels to reiterate the request for extradition and judicial cooperation from the Islamic Republic of Iran, that he demand that Interpol redouble its efforts to execute the arrest warrants, and that he ask the latter body to review the possibility of red notices being issued with respect to Rafsanjani, Velayati and Soleimanpour

(CCCF, Chamber I, CFP 3184/2013/CA1 “AMIA re. *Amparo* Law 16986, 05/15/2014, Court No. 6, Clerk of Court No. 11). Finally, it should be borne in mind that on May 30 of the present year, the *Ministerio de Justicia y Derechos Humanos* [Ministry of Justice and Human Rights] appealed the aforementioned resolution issued by the Federal High Court.

Despite the vital importance of having a final decision in this respect, the truth is that where the present complaint is concerned, the legal outcome of that issue constitutes a matter separate from the conduct alleged herein.

b) The position of Iran in connection with the AMIA cause:

From the outset of the investigation of the AMIA cause up to the present time, the Islamic Republic of Iran has always officially denied any involvement by its citizens in the attack; it has, in addition, employed every possible means of obstructing the inquiry, including by attempting to discredit the legal authorities involved; it has even accused the Argentine government of financing terrorism and has on several occasions attempted to engage in political negotiations in order to secure the exoneration of the accused. This position has remained unaltered with the passage of years, even after the signing of the agreement in January 2013.

Iranian rhetoric has reiterated *ad nauseam* and that none of its citizens took part in the attack, that the Argentine courts are not trustworthy, that Iran condemns terrorism and that it is willing to collaborate with Argentina to find the “real culprits.” However, its position is revealed when it refers to “real culprits”: the Argentine charges have been fabricated and orchestrated by legal authorities influenced by Zionism and foreign interests, with the participation of the intelligence services of the United States and Israel.

Numerous statements made by various Iranian officials over the years have reflected the official position of that country, including letters sent by the Iranian Ambassador to the UN, Mohammad Khazaei, to the president of the General Assembly of that body,

dated September 28, 2007, 2008, 2009 and 2010; the formal charges and jibes levelled by Iranian officials against a number of Argentine legal authorities involved in the cause, etc. (e.g. Documents A/62/485, A/63/468, 4/64/481 and A/65/495, GAUN, UN; “Si los desagruan, Irán colaboraría con la causa AMIA” [Iran will collaborate with the AMIA cause if they’re given indemnity], *ADN Mundo*, 12/4/2006; “AMIA: Irán pidió ubicar al responsable real” [AMIA: Iran asks to find the real culprit], *Perfil*, 11/29/2006; “AMIA: Dura advertencia de Irán al gobierno de Kirchner” [AMIA: Harsh warning by Iran to the Kirchner government], *Diario de Cuyo*, 12/11/2006; “Irán reaccionó con agravios al pedido de Néstor Kirchner” [Iran reacts to request by Néstor Kirchner with threats], *Infobae*, 09/27/2007; “Ahmadinejad dice que quiere expandir las relaciones con la Argentina” [Ahmadinejad states that he wants to broaden relations with Argentina], *Clarín*, 09/26/2013; Dinatale, Martín, “Negó Irán la denuncia del fiscal Nisman y lo acusó de sionista” [Iran rejects complaint issued by Prosecutor Nisman and accuses him of being a Zionist], *La Nación*, 6/4/2013; “Para Irán, la causa AMIA causó amargura en las relaciones entre Irán y Argentina” [For Iran, the AMIA case served to embitter relations between Iran and Argentina], Jewish News Agency, 07/16/2013; Braslavsky, Guido, “Irán pide a Interpol la captura del fiscal Nisman y de Galeano” [Iran asks Interpol to arrest Prosecutor Nisman and Galeano], *Clarín*, 11/13/2006; “AMIA: dura respuesta iraní a los pedidos de capturas” [AMIA: Harsh Iranian response to arrest warrants], *Infobae*, 11/13/2006; Gallo, Daniel, “Irán amenaza con pedir el arresto de agentes de Interpol” [Iran threatens to request the arrests of Interpol agents], *La Nación*, 03/16/2007, “Irán volvió a criticar al sionismo” [Iran again criticizes Zionism], *La Nación*, 06/19/2013; Niebieskikwiat, Natasha, “Irán rechazó, otra vez, su participación en la AMIA” [Iran again denies involvement in the AMIA attack], *Clarín*, 06/19/2013; “Irán ratificó su adhesión plena al memorándum con Argentina” [Iran confirms full adherence to the memorandum with Argentina], *Página 12*, 02/12/2013; “Kirchner ordenó expulsar a D’Elía del gobierno” [Kirchner ordered D’Elía removed from the government], *La Nación*, 11/14/2006; “Tensión diplomática y despido de D’Elía” [Diplomatic tension and the sacking of D’Elía], *La Voz*, 11/14/2006; “La Cancillería respondió a otra protesta de Irán” [Ministry of Foreign Affairs responds to another protest from Iran], *Clarín*, 12/13/2006; Ministry of Foreign Affairs and Worship, Press Release No. 528/06 dated 11/13/2006; Press Release No. 000/07 “Argentina rechaza pedido de exhorto de Irán” [Argentina rejects letters rogatory from Iran], 08/14/2007, Press Release No. 400/07 “La Cancillería argentina rechaza declaraciones difundidas por Irán” [Argentine Ministry of Foreign Affairs rejects statements made by Iran], 09/28/2007; “Argentina expresó un categórico rechazo a dichos de Irán” [Argentina issues categorical rejection of statements by Iran], *El Día*, 09/28/2007; “Que Irán respete la jurisdicción” [Time for Iran to respect jurisdiction], *Página 12*, 09/29/2007).

Specifically, in his letters to the president of the United Nations General Assembly between 2007 and 2010, the Iranian ambassador

to that body, Mohammad Khazaei, has made such statements as: “...*the perpetrators of the bomb AMIA attack have gone unpunished and unjust and unfounded accusations have instead been leveled at a number of innocent Iranian citizens...*” and “...*All of the arguments against Iranian citizens are no more than a farce...*” (cf. Documents A/62/485, A/63/468, 4/64/481 and A/65/495, GAUN, UN).

Nor is this posture devoid of practical consequences. The Islamic Republic has never cooperated with Argentine judicial authorities, despite repeatedly claiming otherwise.

Indeed, of 17 letters rogatory sent³ to Iran in the context of the judicial cause requesting information in connection with the investigation into the attack, only one has been replied to, and this was to indicate a refusal to comply with the request, giving unjustifiable excuses and refusing all legal cooperation with the case (pp. 126,761–126,779 and 127,614–127,657). Moreover, they have also rejected out of hand the request to arrest the accused with a view to extradition, which request was sent via diplomatic letters rogatory in November 2006 (pp. 127,063–127,080 and 128,205–128,220). In fact, it is shameful to refer to cooperation in light of this track record.

Moreover, and as mentioned above, a number of incidents related to the cause have been corroborated since 2005 in which the Iranian authorities used diplomatic channels to make feckless propositions as to the possibility of “negotiating” various means of quashing

³ This includes the following diplomatic letters rogatory: a) letters rogatory dated June 27, 2000 (pp. 550–551 of file 204); b) three letters rogatory dated March 5, 2003 (pp. 106,475–76, 106,479–80 and 106,481–82); c) letters rogatory issued on May 16, 2003 (pp. 108,201–02); d) court summons issued on September 19, 2003 (pp. 1235–1239 of file 402); e) arrest warrant dated May 4, 2004 (pp. 3409–3413 of file 402); f) letters rogatory dated April 9, 2007 (pp. 124,239–124,242); g) that dated May 16, 2007 (pp. 910–913 of file 391); h) another letters rogatory issued on June 6, 2007 (pp. 6832–6836 of file 201); i) court summons dated October 9, 2007 (pp. 3969–3974 of file 402); j) requests for assistance dated October 3, 2008 (pp. 6020–6023 of file 204); k) letters rogatory dated October 29, 2008 (civil action pp. 79–88); l) arrest warrants dated April 30 and August 12, 2009 (injunctive attachment, pp. 118–121 and 134–138); m) letters rogatory of February 2, 2012 (p. 1170 of file 415) and n) letters rogatory of February 14, 2012 (p. 6416 of file 392).

all investigations, charges and/or arrest warrants against its citizens (see pp. 116,381–116,383, 117,251–117,253, 118,680 and 118,952–118,953 bis).

In fact, Iran has on more than one occasion attempted to negotiate the immunity of its citizens. For example, on April 3, 2005, the chargé d'affaires of the Argentine Republic in Iran personally handed the Director of the Department of International Legal Affairs of the Ministry of Foreign Affairs of that country a new letters rogatory issued in connection with the cause. On that occasion, the Iranian official made the response to the letters rogatory conditional on the following terms: “...*If we assist the Argentine legal branch: a) Would we not be seen as accused or suspects? b) Let us suppose that we received the letters rogatory and answered them [...] Will the judge be prepared to make an emphatic announcement and declaration to the effect that there is no connection between either Iran or its citizens and the explosion at the AMIA? c) Would the dossier remain open if we replied? d) How do we know whether or not the judge will close the dossier?*”

He also added: “*if indeed there were some way for us to be convinced to cooperate, the principal matter is whether there is any way in which we can be satisfied that the presiding judge in the cause will reach the conclusion that neither Mr. X nor Mr. Y either are or have ever been implicated in the explosion at the AMIA. You will recall that we have declared our willingness to cooperate with the Argentine legal authorities since July 19, 1994, which position and offer remains in effect. Were we to receive objective guarantees, tangible elements (tangible results), we would have no difficulty in: a) accepting all of the letters rogatory; b) answering all of the letters rogatory; c) and, what is more, subsequently conducting investigations in Iran...*” (pp. 116,381–116,383).

The same formula was repeated by some of the Iranian officials present at the meeting held in Tehran in July 2005 between diplomatic representatives of our country and the local Director of the Department of International Legal Affairs, Dr. Mohsen Baharvand, in connection with the letters rogatory pending receipt and response by the Iranian judicial branch.

On that occasion, the Iranian official stated as follows: *“We need that type of perspective in order to receive the letters rogatory and respond to them, since you should bear in mind that we are dealing here with officials of the Iranian government and not ordinary citizens; undoubtedly, whenever anyone has something to give, they also expect to receive something in return (...) The Iranian side is extremely flexible with letters rogatory; we only complicate things when absolutely necessary (sic) and that’s not the case with relations with Argentina”* (pp. 117,251–117,253).

Another example of this Iranian attitude with respect to their cooperation with the cause comes in a “non paper” submitted by the aforementioned Baharvand to a number of Argentine diplomats containing a proposed agreement between both countries (pp. 118,680, 118,952–118,953 bis).

The agreement offered at that point by Iran stated as follows: *“1. The parties agree that there have never been any charges against Iranian citizens in connection with the AMIA Cause: that notwithstanding, the proceedings undertaken by the Argentine judge presiding over the investigation in connection with the Iranian citizens was ordered solely for the purpose of gathering information.”*

“2. The parties...shall abstain from making any type of criminal inference, whether directly or indirectly, or leveling any accusation against the other party and its officials.”

“3....the letters rogatory issued by the Argentine Judge shall be amended in such a manner as not to put forward any charge or accusation, whether explicit or implicit, against the Iranian government and its citizens...”

“4. Based on the provisions set forth in paragraph three, the Ministry of Foreign Affairs of Iran shall officially receive the letters rogatory...”

“5. The Argentine side...shall revoke any arrest warrant issued by the Judge presiding over the investigation began citizens of the Islamic Republic of Iran...”

This summary reveals the extraordinary posture assumed by the Iranian government in making its cooperation conditional on a

promise by the Argentine judicial authorities not to incriminate any officials and/or citizens of that country.

Moreover, and in connection with the two requests aimed at obtaining information on the owners of telephone lines, the Iranian authorities, via Interpol Tehran, provided this response to the first of these: *“It is not possible for us to reply to your requests owing to the importance of respecting the principles and regulations of human rights, as well as the internal laws of Iran with respect to the private lives of persons”* (p. 908 of file 391). As for the rest of the request, far from providing the requested information, they restricted themselves to stating: *“...please explain the reason and also inform us where the telephone numbers were obtained...”* (p. 6843 of file 201).

On this evidence, one can but regard the excuses offered by the Iranian regime for not responding to the Argentine requests as absurd and preposterous, particularly given the fact that no response was received even when the requested data was sent to Tehran.

Aside from the documentary evidence, this type of response was recognized at the time by a number of Argentine officials in key positions who became aware of various Iranian proposals to set aside the AMIA charges. In connection with this, it is worth recalling the agreement rejected by Néstor Kirchner, of which former Cabinet Chief Alberto Fernández and former Deputy Foreign Minister Roberto García Moritán became aware. For their part, former Foreign Ministers Rafael Bielsa and Jorge Taiana corroborated the Iranian posture described herein as they had witnessed it during their respective terms in the Palacio San Martín [headquarters of the Argentine Ministry of Foreign Affairs].

Rafael Bielsa recalled an Iranian offer worth four billion dollars in purchases of corn and wheat in return for setting the AMIA cause aside. As he stated, *“...it was an act of extortion...”* In describing the general *modus operandi* of Iranian diplomacy, he stated: *“They were always tricking us...we*

would explain to them that the Executive Branch here could not give orders to the Judicial Branch, particularly in a case of this nature. They acted as if they couldn't understand..."

And he added: "...*This is a manifestly hostile country that has refused to answer any of the letters rogatory... We'd tell them: we're going to hound you to kingdom come. We're not budging; answer the letters rogatory. One of their arguments was 'you're wasting four billion dollars...' They never made the slightest concession... They wanted one of the points to imply that an error had been made by the Judicial Branch in the summonses issued to those Iranian officials...*" (emphasis added; Dobry, Hernán, "Cancilleres K: el acuerdo con Irán ya había sido rechazado" [Kirchnerist foreign ministers: The agreement with Iran had already been rejected], *Perfil*, 02/23/2013; "Causa AMIA: Para D'Elía, los acusados iraníes van a ser sobreseídos" [AMIA Cause: For D'Elía, the charges against the accused Iranians will be dismissed], *Infobae*, 3/1/2013, "Irán le ofreció un acuerdo igual a Néstor Kirchner, pero lo rechazó" [Iran offered the same agreement to Néstor Kirchner but he rejected it], *Infobae*, 02/14/2013; "Duro cruce de acusaciones entre Timerman y García Moritán" [Harsh exchange of accusations between Timerman and García Moritán], *La Nación*, 02/19/2013; "Alberto Fernández: Néstor Kirchner siempre se negó a un acuerdo con Irán" [Alberto Fernández: Néstor Kirchner always rejected an agreement with Irán], *Iprofesional*, 02/20/2013).

Similarly, former Foreign Minister Jorge Taiana asserted that the Iranians had shown a "lack of willingness" given that *"they didn't even receive the requests; in other words, they rejected them and disqualified them. There was never the slightest sign that they were the least bit willing to cooperate in shedding light on the event..."* (Dobry, Hernán, "Cancilleres K: el acuerdo con Irán ya había sido rechazado" [Kirchnerist foreign ministers: The agreement with Iran had already been rejected], *Perfil*, 02/23/2013).

Moreover, the Iranian authorities had made use of Argentine citizens familiar with the thinking of the regime and at the same time having close links with senior figures in the Argentine government, such as Luis D'Elía, in order to submit their proposals for a solution favorable to their interests with respect to the charges filed in the AMIA case.

In fact, the Iranian regime took advantage of a trip made by Luis D'Elía, Fernando Esteche and Jorge "Yussuf" Khalil in late February and early March 2010 to propose an agreement in connection with the attack ("Quejas de Israel por el viaje de D'Elía a Irán" [Israeli complaints over D'Elía trip to Iran], *La Nación*, 03/07/2010; "D'Elía admitió un encuentro con un ex

funcionario iraní prófugo en la causa AMIA” [D’Elía admits meeting a former Iranian official and fugitive in the AMIA cause], *La Prensa*, 03/07/2010; “D’Elía y Esteche vieron en Irán a un sospechoso de volar la AMIA” [D’Elía and Esteche met in Iran with one of those suspected of blowing up the AMIA], *Perfil*, 03/06/2010; “D’Elía sigue defendiendo al prófugo de la AMIA: Es una buena persona” [D’Elía continues defending AMIA fugitive: He’s a good person], *Clarín*, 03/09/2010; “Diputado repudió el viaje de D’Elía a Irán and pidió informes a Cancillería” [Deputy condemns D’Elía’s trip to Iran and requests reports from the Ministry of Foreign Affairs], *Infobae*, 04/07/2010). Incredibly, it has now been established that this agreement was similar to the Memorandum of Understanding signed by Foreign Minister Timerman in January of last year. D’Elía recalled as much when he said to Khalil: “...*It’s similar to the one they proposed to us during the first trip to Tehran, do you remember?...*” (Conversation of 01/27/13, telephone no. 11-3315-6908, File B-1009-2013-01-27-174637-12, CD 266).

As analyzed and established in detail in the corresponding section, the foregoing demonstrates that the legal instrument signed between Argentina and Iran has nothing to do with the search for justice nor the progress of the investigation, but is instead one of the methods chosen to accomplish a criminal and abhorrent end: to guarantee the permanent immunity of those Iranians accused in the cause relating to the AMIA attack through the use of a safeguard cloaked in legality.

Finally, it should be recalled solely by way of example, since Tehran made many such attempts, that in September 2007 the then spokesman of the Iranian Ministry of Foreign Affairs, Mohammad Ali Hosseini, issued the following offer: “*As a humanitarian act and in order to shed light on the facts of this tragedy, the Islamic Republic has taken the preemptive step of announcing the establishment of a bilateral legal commission with Argentina, despite the absence of any agreement between the parties and the differences prevailing between the legal structures of the two countries*” (“Irán reaccionó con agravios al pedido de Néstor Kirchner” [Iran reacts to request by Néstor Kirchner with threats], *Infobae*, 09/27/2007). Unsurprisingly, this offer, scarcely different from the agreement eventually signed, was rejected by Néstor Kirchner.

Ultimately, Iran always held to its position and made the same requests, all of which reflects the existence both then and now of a political decision in that country not only to refuse to cooperate

and acknowledge Argentina's jurisdictional sovereignty in this case, but also to obstruct and attack any progress that was made.

Needless to say, it is perfectly clear that the signal lack of cooperation shown by the Iranian authorities with respect to this investigation is itself a reflection, or rather a consequence, of the strategy traditionally pursued by the Tehran regime, which to this day consists of denying any connection between its citizens and the attack and refusing to provide any type of information to the inquiry in order thereby to remove itself from any liability that could attach to it in connection with acts of terror, refusing to arrest for extradition purposes any of the individuals legally charged by the Argentine legal authorities in connection with this event, while seeking in various ways to discredit the investigation and the authorities leading it. This demonstrates that a political decision to guarantee immunity has been taken by the most senior figures in the regime, these same individuals who planned and ordered the attack that claimed the lives of 85 people.

Notwithstanding the flat refusal issued by the regime, revealing statements have been obtained from Jorge "Yussuf" Khalil, an agent of Iran and representative of its interests in Argentina as well as an active participant in the cover-up alleged in this complaint. These [statements] acknowledge the responsibility of Iranian officials for the attacks carried out in Argentina. Referring to an individual, he describes him as "*...the person who worked with Iran...when Iran killed here*" (Conversation of 11/19/12, telephone no. 11-3315-6908, File B-1009-2012-11-19-083552-16, CD 197). On another occasion he admitted that the National Undersecretary of *Agricultura Familiar* [Family Farming] and leader of the *Movimiento Evita* [Evita Movement], Emilio Pésico: "*...would always talk about how we'd left...and it was done right...as he says. That's war*" (Conversation of 8/15/13, telephone no. 11-3238-4699, File B-1009-2013-08-15-234919-2, CD 118). In other words, the Iranians were responsible for the attack and, as far as Pésico was concerned, they were justified in waging that political struggle. Similarly, quoting D'Elía, Pésico stated: "*...it was he who said that you're responsible for the AMIA business...*" alluding to the responsibility of the Iranians for the attack (Conversation of 8/15/13,

telephone no. 11-3238-4699, File B-1009-2013-08-15-234225-2, CD 118). These references should only be taken as examples and under no circumstances be regarded as new evidence to support the charge relating to the attack that, as is known, has already been addressed in previous prosecution decisions and in the pronouncements of the presiding judge in the cause, Dr. Canicoba Corral.

Nor do these declarations prove the cover-up, although they do give an insight into how the strategy of perpetual denial adopted by the regime of the Islamic Republic of Iran bore fruit. In other words, despite being in fact responsible for the attack, their denials year after year resulted in the creation of this concealment plan, which had the aim of discrediting the Argentine legal system, and was ultimately intended to secure the total and definitive immunity of the accused Iranian nationals.

Indeed, according to a document that Mr. José Eliashev declared under oath to have read, the intransigence of the Iranian position in refusing legal cooperation or yielding one iota to the Argentine charges was acknowledged by former Iranian Foreign Minister Ali Akbar Salehi as having been a successful strategy adopted by the Supreme Leader. Salehi praised the strategy when, as will be seen below, Héctor Timerman abandoned Argentina's claim for justice in 2011 and offered to establish a means by which the charges with respect to the attack could be set aside and bilateral commercial relations resumed (pp. 131,189–131,194; Eliashev, Pepe, "Argentina negocia con Irán dejar de lado la investigación de los atentados" [Argentina is negotiating with Iran to set aside the investigation into the attacks], *Diario Perfil*, 03/26/2011, pp. 130,911–130,913).

To summarize, Iran never had any intention of cooperating and in practice made every effort to obstruct Argentine legal proceedings, while those diplomatic, political and legal rapprochements it did accept were solely for the purpose of have the charges against its citizens dropped and dissociating Iran from the case, even if that resulted from the application of prohibited measures.

It is worth underscoring that this strategy has not only been implemented by Tehran with respect to the AMIA case, but was also

replicated in connection with other terrorist attacks perpetrated in various parts of the world and that have justifiably implicated officials of the Iranian regime as responsible for terrorist acts.

No change has ever been noted in the Iranian position, not even to the extent of moderating its traditional rhetoric after the start the official negotiations and even after the signing of the Memorandum of Understanding, paying its usual lip service to its willingness to enter into dialogue and negotiations while at the same time seeking by any means to discredit the declarations issued by the Argentine legal system and, by extension, its officials.

The following four recorded episodes are in line with the above: 1) in October 2012, by which time the negotiations had been made public, the then spokesman of the Iranian Ministry of Foreign Affairs, Ramin Mehmanparast, declared that the charges against Iranian citizens had been rejected and that his government was prepared to cooperate in order to capture the perpetrators of the attack (“Irán volvió a rechazar todas las acusaciones por el atentado a la AMIA” [Iran again rejects all charges relating to the AMIA attack], *La Nación*, 10/30/2012; Paraszczuk, Joanna, “Iran ready to identify AMIA bombing perpetrators,” *Jerusalem Post*, 10/30/2012; Kollmann, Raúl: “Irán volvió a negar su culpabilidad” [Iran again denies responsibility], *Página 12*, 10/31/2012); 2) according to a communiqué issued by the IRNA news agency once the agreement with Argentina had been signed, the official position of Iran was that the attack could have been planned by Israel: “...*Iran states that agents in Tel Aviv were involved in the attack...with the aim of increasing their influence over the government of the day in Buenos Aires...*” (“Irán ratificó su adhesión plena al memorándum con Argentina” [Iran confirms full adherence to the memorandum with Argentina], *Página 12*, 02/12/2013; “FM: Iran, Argentina adheres to agreement on AMIA case,” *Iran Daily Brief*, 2/14/13; “El Canciller de Irán dice que negoció durante dos años el acuerdo con Argentina” [Iranian foreign minister declares having negotiated the agreement with Argentina over a two-year period], *Clarín*, 02/12/2013; “Salehi: Iran, Argentina adheres to agreement on AMIA case,” IRNA, 02/12/2013); 3) the statements issued by the Iranian Ministry of Foreign Affairs in an effort to discredit the work of the Prosecutorial Investigation Unit headed by the undersigned and the opinion dated 05/29/2013 stating that:

“...Owing to the background and Zionist leanings of this prosecutor [referring to Nisman], we attach no importance to his claims...” (“Irán rechazó las acusaciones del fiscal Alberto Nisman al considerarlo sionista” [Iran rejects charges by Prosecutor Alberto Nisman since it deems him to be a Zionist], *La Nación*, 6/3/2013; “El ministerio exteriores de Irán: No le damos importancia a las declaraciones de Nisman” [Iranian Ministry of Foreign Affairs: We attach no importance to Nisman’s claims], IRNA, 6/5/2013); 4) in June 2013, by which time the agreement had been signed, another Iranian Ministry of Foreign Affairs spokesman, Abbas Araqchi, again denied the involvement of any Iranians in the attack, deClaríng that as far as Tehran was concerned it was foreign Zionist agents who were behind the attack, adding: *“God be praised, with the cooperation of the foreign ministers of Iran and Argentina, we are working out a reasonable means of solving the AMIA issue and a clearer picture is being obtained of the foreign and Zionist factors that were in fact responsible for this regrettable event...”* (Niebieskikwiat, Natasha, “Irán rechazó, otra vez, su participación en la AMIA” [Iran again denies involvement in the AMIA attack], *Clarín*, 06/19/2013; “Irán volvió a criticar al sionismo” [Iran again criticizes Zionism], *La Nación*, 06/19/2013), which charges were reiterated by the same spokesman in July 2013 (“Para Irán, la AMIA causa causó amargura en las relaciones entre Irán and Argentina” [For Iran, the AMIA case served to embitter relations between Iran and Argentina], Jewish News Agency, 07/16/2013).

The Argentine government had never previously remained quiet in the face of declarations of this type, but from the time of the rapprochement with Iran a complicit silence was kept on the part of those Argentine authorities named in this complaint following such statements and/or attacks on the sovereign jurisdictional proceedings carried out by various state bodies, thereby altering the position that had remained unchanged during the administration of Néstor Kirchner. This provides further circumstantial evidence for the existence of a prior agreement between the two parties that unfortunately was motivated by the cover-up plan alleged in this complaint, and that the Argentine authorities were more concerned with promoting than were their counterparts. Indeed, the incomprehensible silence maintained by the Argentine government despite the gravity of the charges and the opprobrium vented by Iranian government authorities speaks for itself in this new context.

Moreover, the Iranian authorities not only continue to this day to officially refuse all cooperation in the case, but essentially attack and by various means seek to discredit the charges leveled by the Argentine legal system, attempting to raise questions about the impartiality of the investigation and constantly citing the sinister involvement of foreign interests as having skewed the investigation against Iran.

Recently, following the ruling by Chamber [I] of the Federal Criminal and Correctional Court that declared unconstitutional the Memorandum of Understanding signed with Iran and the law approving it, the Iranian authorities reacted in a provocative manner, particularly in light of their own reluctance to approve the agreement. On this occasion the spokesman of the Ministry of Foreign Affairs, Marziyeh Afkham, issued a strong condemnation of the judgment and declared: *“The Iranian government believes that the Memorandum of Understanding was an appropriate solution and an opportunity to uncover the facts relating to the AMIA tragedy while resolving our differences in this matter, but the ruling by the Argentine court deprives both parties of that opportunity. The Islamic Republic of Iran expresses its regret and dissatisfaction at the decision”* (“Iran criticizes Argentine court decision to declare unconstitutional joint AMIA bombing probe with Iran,” IRNA, 05/16/2014; “Iran slams Argentine court ruling on AMIA probe,” Farsi News Agency, 05/17/2014; “Iran condemns Argentine court ruling on AMIA probe,” PressTV, 05/16/2014; Niebieskikwiat, Natasha, “Irán lamenta la decisión de la Justicia argentina” [Iran regrets decision of Argentine court], *Clarín*, 05/16/2014; “Irán expresó pesar y descontento por el fallo que invalidó el memorándum sobre el atentado a la AMIA” [Iran expresses regret and dissatisfaction at judgment invalidating memorandum relating to the AMIA attack], *La Nación*, 05/16/2014). Doublespeak is not therefore the exclusive province of the Argentine authorities named in this complaint. The Iranians have also proved highly adept in utilizing it. In other words, despite the time elapsed without any official announcement of internal approval of the agreement by Iran, its officials continued to publicly declare their

interest in the agreement. Here once again is the yawning gap between words and deeds.

By way of conclusion, we need only emphasize that the Iranian rhetoric of denial and obstruction was perfectly mirrored by the government of Cristina Fernández, and as we shall see below was utilized by the Argentine authorities named in this complaint in order to pursue the schemes involving the cover-up and granting immunity to the accused.

c) Presidency of Néstor Carlos Kirchner

During the government of Néstor Kirchner the position of the Argentine Republic in respect of the AMIA attack was clear and consistent: all political efforts were aimed at supporting the operation of Argentine justice, and within the scope of his competencies the nation's president attempted to secure the cooperation of Iran and the endorsement of the international community. In other words, during the whole of his administration the support of the National Executive Branch for the conclusions reached by this Public Prosecutor's Office and the decisions of the Judicial Branch in connection with the cause was unshakable. The AMIA case was a matter of State policy.

This support translated into various specific steps, extending from the declassifying of intelligence information (Decree No. 787 of September 17, 2003) and the creation of this Prosecutorial Investigation Unit in 2004 (Resolution MP 84/04), to the speech delivered by the former president before the United Nations General Assembly in 2007 in which he condemned the lack of cooperation from Iran and requested that *“the Islamic Republic of Iran, within the framework of the applicable international law, accept and respect the jurisdiction of the Argentine legal system and collaborate effectively with Argentine judges in order to bring to justice those persons who have been charged with carrying out those deeds”* (Speech by Néstor Kirchner to the 62nd United Nations General Assembly, September 25, 2007).

In this way, Néstor Kirchner embarked on a notable diplomatic campaign to appeal to the international community by making legitimate and strategic use of international fora and opinion in order to highlight the unacceptable position adopted by the Iranian government, thereby converting international condemnation into a legitimate means of exerting pressure so as to attain the objective requested by the legal authorities: the prosecution of those Iranian nationals charged in order to make progress toward trying those persons charged with having perpetrated the attack on the AMIA headquarters.

Moreover, on each occasion that the government of the Islamic Republic of Iran attempted through declarations made by its officials and/or by other means to discredit the investigation in the AMIA case by impugning the officials involved in the inquiry, and particularly when news was received of charges filed against those officials, the government of Néstor Kirchner always repudiated those attempts, requesting the appropriate explanations via the corresponding diplomatic channels as a means of providing adequate protection and support to the operation of Argentine justice.

An example of this is the reaction of the Executive Branch in 2006 with the appearance of leaked information claiming that the Iranian legal authorities would be requesting the arrest and extradition of the undersigned and of Dr. Juan José Galeano, now retired from the judiciary, at which the Argentine Ministry of Foreign Affairs did not hesitate to request an explanation from the Iranian chargé d'affaires in Buenos Aires, Mohsen Baharvand, the senior Iranian diplomatic official in the country (Press Release No. 528/06 by the Ministry of Foreign Affairs and Worship dated 11/13/2006; Braslavsky, Guido, "Irán pide a Interpol la captura del fiscal Nisman y de Galeano" [Iran asks Interpol to arrest Prosecutor Nisman and Galeano], *Clarín*, 11/13/2006, "AMIA: dura respuesta iraní a los pedidos de capturas" [AMIA: Harsh Iranian response to arrest warrants], *Infobae*, 11/13/2006; "Tensión diplomática y despido de D'Elía" [Diplomatic tension and the sacking of D'Elía], *La Voz*, 11/14/2006).

Nor was this the only occasion on which the Argentine Ministry of Foreign Affairs responded to what could most charitably be referred to as inappropriate protests and regrettable statements

from officials in Tehran (cf. “La Cancillería respondió a otra protesta de Irán” [Ministry of Foreign Affairs responds to another protest from Iran], *Clarín*, 12/13/2006; Ministry of Foreign Affairs and Worship, Press Release No. 000/07 “Argentina rechaza pedido de exhorto de Irán” [Argentina rejects letters rogatory from Iran], of 08/14/2007; Ministry of Foreign Affairs and Worship, Press Release No. 400/07, “La Cancillería argentina rechaza declaraciones difundidas por Irán” [Argentine Ministry of Foreign Affairs rejects statements made by Iran], of 09/28/2007; “Argentina expresó un categórico rechazo a dichos de Irán” [Argentina issues categorical rejection of statements by Iran], *El Día*, 09/28/2007; “Que Irán respete la jurisdicción” [Time for Iran to respect jurisdiction], *Página 12*, 09/29/2007).

As evidence of the political and strategic posture adopted by Néstor Kirchner with respect to the AMIA case, we should bear in mind the words of former Foreign Ministers Jorge Taiana and Rafael Bielsa at the Palacio San Martín [headquarters of the Argentine Ministry of Foreign Affairs].

In connection with this, former Foreign Minister Taiana stated that: “*There was no dialogue. Our position was as follows: there is nothing to discuss until such time as there is legal cooperation... Our position was as follows: we have had 85 Argentines killed and we can’t make any concessions nor provide any facilities to a State that shows no sign of seeking any type of solution that helps to shed light in the event...*” Iran had to hand over the accused (Dobry, Hernán, “Cancilleres K: el acuerdo con Irán ya había sido rechazado” [Kirchnerist foreign ministers: The agreement with Iran had already been rejected], *Perfil*, 02/23/2013).

For his part, Rafael Bielsa, apart from describing the extortionary posture of the Iranians and their trade proposals in exchange for settling the AMIA matter, confirmed that for Néstor Kirchner’s government the case was “a matter of State policy” and indicated that by contrast the government of Cristina Fernández “*tells the relatives that those who are trading are companies and not the State. This seems to me a dumb argument, it really bothers me because it was a sacred topic for Néstor...*” and that: “*When I was foreign minister, any talk of trade with Iran was casus belli*” (emphasis added; Dobry, Hernán, “Cancilleres K: el acuerdo con Irán ya había sido rechazado” [Kirchnerist foreign ministers: The agreement with Iran had already been rejected], *Perfil*, 02/23/2013).

With respect to the means of pursuing contacts with Tehran, Bielsa stated that during his tenure the Foreign Ministry had a policy of transparency with the main interested parties in the cause: *“We were in constant contact with the relatives and the community, informing them of everything... Every step we took, every memorandum we sent, we would inform them of everything because it was a very delicate matter and there was always the specter of the offers...”* (Dobry, Hernán, “Cancilleres K: el acuerdo con Irán ya había sido rechazado” [Kirchnerist foreign ministers: The agreement with Iran had already been rejected], *Perfil*, 02/23/2013). This summarizes the thrust of foreign policy in that period with respect to the AMIA case.

At the local level, Néstor Kirchner also provided continual support to the judicial cause, to the point of removing a member of his own government from office, as was the case with Luis D’Elía.

It should be recalled that in November 2006, almost immediately after the announcement of the ruling by Dr. Rodolfo Canicoba Corral ordering the arrest of those Iranian officials suspected of involvement in the attack, the then National Undersecretary of *Tierras para el Hábitat Social* [National Lands for Social Housing], Mr. Luis D’Elía, led a protest against that decision and issued a communiqué stating, *“the judge’s ruling charging the Islamic Republic of Iran in the AMIA matter is heavily contaminated by world affairs unrelated to the search for the truth”* (Communiqué of 11/13/2006 signed by Luis D’Elía and Juan José Cantiello, submitted to the then Iranian chargé d’affaires in Buenos Aires, Mohsen Baharvand).

It subsequently emerged that the protest repudiating the ruling by the Argentine courts, which took place at the Iranian Embassy and was led by D’Elía with the involvement of the Iranian agent in Argentina Jorge Alejandro “Yussuf” Khalil, had been provoked by the then Venezuelan ambassador in Buenos Aires, Roger Capella. This Venezuelan diplomat had close links with Tehran and had for several years been promoting relations between Iran, the Iranian nationals charged in the AMIA case and several local agents such as Luis D’Elía and Fernando

Esteche (“Kirchner ordenó expulsar a D’Elía del gobierno” [Kirchner ordered D’Elía removed from the government], *La Nación*, 11/14/2006; Gallo, Daniel, “Controvertida agenda política del Embajador de Venezuela” [Controversial political agenda of the Venezuelan ambassador], *La Nación*, 11/16/2006).

This conduct prompted former President Kirchner to immediately remove Luis D’Elía from his position in the National Executive Branch and at the same time contact his Venezuelan counterpart, Hugo Chávez, who within a few days had recalled ambassador Capella from Argentina. In other words, Néstor Kirchner did not hesitate to intervene on this topic, even though the issue could create tensions with a foreign leader, in this case Hugo Chávez, then president of Venezuela.

With respect to the removal of D’Elía, officials in the Kirchner government explained to the press that as far as the president was concerned, the former official had “*crossed an unbreachable line: no government official can ever air an opinion regarding ongoing legal proceedings, particularly if they relate to issues as sensitive as the blowing up of the AMIA*” (“Kirchner ordenó expulsar a D’Elía del gobierno” [Kirchner orders D’Elía removed from the government], *La Nación*, 11/14/2006).

As stated earlier, during that period Néstor Kirchner also rejected several Iranian attempts to “negotiate” an agreed solution to end the judicial investigation into its citizens, which is not only reflected in the cause (see pp. 116,381–116,383, 117,251–117,253, 118,680 and 118,952–118,953 bis) but also in the statements made by former Foreign Ministers Rafael Bielsa and Jorge Taiana, by former Cabinet Chief Alberto Fernández and by former Deputy Foreign Minister Roberto García Moritán (Dobry, Hernán, “Cancilleres K: el acuerdo con Irán ya había sido rechazado” [Kirchnerist foreign ministers: The agreement with Iran had already been rejected], *Perfil*, 02/23/2013; “Irán le ofreció un acuerdo igual a Néstor Kirchner, pero lo rechazó” [Iran offered the same agreement to Néstor Kirchner but he rejected it], *Infobae*, 2/14/03; “Alberto Fernández: Néstor Kirchner siempre se negó a un acuerdo con Irán” [Alberto Fernández: Néstor Kirchner always rejected an agreement with Irán], *Iprofesional*, 2/20/2013).

In addition to the events described in the previous paragraph, as soon as the arrest warrants were issued, Kirchner rejected an agreement Iran offered that, as attested by officials with knowledge of the occurrence, was

very much like the memorandum finally executed by Héctor Timerman in Ethiopia. (“Irán le ofreció un acuerdo igual a Néstor Kirchner, pero lo rechazó” [Iran offered the same agreement to Néstor Kirchner but he rejected it], *Infobae*, 02/14/2013; “Duro cruce de acusaciones entre Timerman y García Moritán” [Harsh exchange of accusations between Timerman and García Moritán], *La Nación* 02/19/2013; “Alberto Fernández: Néstor Kirchner siempre se negó a un acuerdo con Irán” [Alberto Fernández: Néstor Kirchner always rejected an agreement with Irán], *Iprofesional*, 02/20/2013).

The existence of this background information was confirmed by Roberto García Moritán, then deputy foreign minister from 2005 to 2008, and by Alberto Fernández, then Chief of Cabinet, which is to say, two high-level officials of Néstor Kirchner’s government who, as a result of their respective positions in the National Executive Branch, were directly involved in dealing with these matters.

García Moritán asserted that the Iranians had offered an agreement that “*also consisted of nine points and was quite similar to the current agreement*” and that, “*because of its nuances possessed the same spirit*” (“Irán le ofreció un acuerdo igual a Néstor Kirchner, pero lo rechazó” [Iran offered him the same agreement it offered Néstor Kirchner, but he rejected it], *Infobae*, 02/14/2013).

In turn, Alberto Fernández asserted that there was “*an Iranian offer to begin conversations and seek an out, either with a third country or a commission. But Kirchner always refused... Kirchner never agreed to do these things...*” (“Alberto Fernández: Néstor Kirchner siempre se negó a un acuerdo con Irán” [Alberto Fernández: Néstor Kirchner always rejected an agreement with Irán], *Iprofesional*, 02/20/2013).

In the face of these statements, and seeking to conceal the facts presented here, Timerman decided to resort to impugning those who gave testimony regarding these facts, just as he had done when the journalist José Ricardo Eliashev reported the true business of the meetings held in Syria (“Duro cruce de acusaciones entre Timerman y García Moritán” [Harsh exchange of accusations between Timerman and García Moritán], *La Nación* 02/19/2013). Instead of refuting or vouching for the matters that had become known, the foreign minister resorted to the “*ad hominem*” fallacy in order to try to conceal the facts that made it a criminal plan.

Later, when speaking before the legislators, Timerman had no choice but to acknowledge what García Moritán had said was true, in

that Néstor Kirchner had rejected an agreement with Irán that included a commission, but in order to blur the facts he argued that what was untrue was that that proposal would have been similar to the now-executed memorandum, and he pointed out that “...*we rejected what did not include the courts and we accepted the memorandum that includes the Argentine courts...*” (Transcript of the Plenary Session of the Committees on Foreign Affairs, Justice and Constitutional Affairs of the Chamber of Deputies, National Congress, prepared on February 26, 2013).

Having stated that the current agreement differs from the one rejected by Kirchner because the Memorandum of Understanding included “the courts” was fallacious argument, given that it can be inferred from the text of the agreement itself that the involvement of Argentine judicial authorities is dependent upon and qualified by the committee’s actions, a fact that makes any act that might be conceived as procedural subject to nullification. As described later, this is not the sole fallacy, nor is it the most serious. And thus, by this false reasoning, efforts were made to conceal an unavoidable reality: Cristina Fernández gave the authorization, and Héctor Timerman made the arrangements and signed an agreement that Néstor Kirchner would never have accepted or allowed to be executed.

What has been stated by Roberto García Moritán and Alberto Fernández has been corroborated by evidence recently obtained, in which Jorge “Yussuf” Khalil, the highest-placed Iranian individual referred to, expressly acknowledged that the agreement executed with Iran is the same one that had been paraded six years before and at that time had been rejected.

In effect, on January 27, 2013, in two separate conversations, Khalil stated that, with respect to the Memorandum of Understanding, “...*the only thing I know is that it is the same document we put together six years ago and submitted to the people in the embassy in Iran and to the people in the government...*” “...*we drew up that plan with Fernando Esteche six years ago...*” “...*the agreement we put together six years ago with Fernando Esteche, and they called us crazy...when we presented it, the same thing, it’s written down, six, seven years ago, in 2006...they said to us: ‘you’re*

crazy, this is based on nothing'...they brought this out today..." "...the same one, you idiot, they presented the same one...as we ourselves said...everything just as Fernando and I had written six years ago..." (Conversations of 01/27/2013, telephone no. 11-3315-6908, File B-1009-2013-01-27-112032-4, CD 266; File B-1009-2013-01-27-112552-12, CD 266; File B-1009-2013-01-27-113208-14, CD 266). He also confessed to Luis D'Elía stating: "...*Do you know who wrote that memorandum to me, that day, do you know?... Fernando...*" alluding to Esteche. (Conversation of 01/27/2013, telephone no. 11-3315-6908, File B-1009-2013-01-27-174637-12, CD 266).

What is true is that in every instance the government of Néstor Kirchner accurately understood that these proposals involved inappropriate interference by the executive branch in legal matters and, essentially, meant relinquishing any legitimate claim with respect to memory and justice for the AMIA cause.

In short, during the entire time he held office, and it could be said while he lived, former president Néstor Kirchner was consistent in his position with respect to the AMIA cause: sharp criticism of Iran for its lack of cooperation in the cause, the firm decision to reject the Iranian proposals that promoted setting aside the conclusions reached by the Argentine courts, and his invaluable support of the latter's actions in the investigation of the attack on the AMIA headquarters; these were the central pillars of this state policy.

d) The Presidency of Cristina Elisabet Fernández

The path adopted by Néstor Kirchner with respect to this cause continued during the first years of the presidency of his wife, Cristina Fernández, an individual who, at United Nations headquarters, also criticized Iran for not allowing the accused to be tried in the Argentine courts.

The inflexible Iranian refusal to comply with this legitimate request was somehow able to erode the government's expectations during recent years and, as a result, the criticisms aired from that time on have reflected conditions showing that, to a

certain extent, [such expectations] have been reduced. In this regard, the offer to hold the trial in a third country and/or in the presence of international observers was a show of some flexibility, which was certainly legitimate, in the initial complaint. However, even in these instances, the goal pursued always consisted of Iran submitting the individuals charged to our jurisdiction, which is to say our laws, our judges, and our investigation.

Precisely, with respect to this, on September 24, 2010, President Cristina Fernández addressed the United Nations General Assembly and offered the possibility of selecting by common accord a third country in which to conduct the trial of the Iranian citizens accused of the attack (Speech by Cristina Fernández at the 65th United Nations General Assembly on September 24, 2010).

Ambassador Mohammed Khazaei, Permanent Representative of the Islamic Republic of Iran to the United Nations, responded to this offer with a letter stating that the Argentine charges were unfounded and that the current investigations were going down a “*mistaken path*” that would not lead to finding the “*real perpetrators*” of the attack. He branded the charges against the Iranian citizens as false, arbitrary, and unfounded, stating that the Argentine legal proceedings were riddled with irregularities, they violated procedural guarantees and fundamental rights, and that their objective was not truth and justice. Likewise, he asserted that “*the government of the Islamic Republic of Iran has ascertained that no Iranian citizen was implicated directly or indirectly in the AMIA explosion,*” and he accused the Argentine authorities of collaborating with and financing terrorist groups – such as the Mujahideen al-Khalq – in order to assert that in the end it had been the Argentine government that, up to this point, had systematically refused to negotiate a legal framework of cooperation in judicial matters, insisting on imposing its unilateral decisions (Letter of September 28, 2010 addressed to the president of the General Assembly from Mohammad Khazaei, Permanent Representative of the Islamic Republic of Iran to the

United Nations). In short, the final offer from Dr. Fernández was left hanging due to the new response from Tehran, one that was as false as it was provocative.

So far we have demonstrated the consistency of the official Argentine position held for years regarding the AMIA cause, during the entirety of Néstor Kirchner's term of office, and during part of Cristina Fernández's term of office until, seen below, there was a radical change in national policy linked – as this complaint argues – to the decision made by the president, and implemented particularly by Marcos Timberman, her foreign minister, along with third parties, to move forward with a cover-up plan that would allow the accused, Iranian nationals, to avoid and/or remove themselves from the actions of the courts with the purpose of facilitating geopolitical rapprochement and trade at the state level with the Islamic Republic of Iran. Judging from the evidence gathered, these are the principal but not the only reasons.

It must be made clear that we are not questioning a change in foreign policy, a tool that is the exclusive purview of the National Executive Branch, and therefore not a matter for litigation, but rather the subject of the complaint is that a choice was clearly made to go down a criminal path in order to erase a set of charges and a court investigation that was fully underway.

IV. The Cover-up Plan for the Iranians Accused in the AMIA Cause

The president of the nation, Cristina Fernández, decided to restore relations with the state of Iran. She knew that in order to fully do so, without restrictions, she would have to somehow rechannel the AMIA cause, which had been pending for years and obstructing the bilateral agenda, as a result of the arrests that had been ordered, ratified, and never carried out. In order to address and resolve this matter, Dr. Fernández, together with

Héctor Timerman, her foreign minister, orchestrated and carried out a felonious plan designed to guarantee ultimate immunity for the Iranians accused, thus fraudulently exempting them from being investigated and redirecting the investigation towards a false lead implicating other individuals.

To this end, they held secret negotiations with the Iranian representatives for more than a year and a half; added to these were another four months of official negotiations. These negotiations culminated in the execution of the “Memorandum of Understanding,” which was entered into in January of 2013, a central element in the criminal plan, in light of the fact that its provisions contain a number of resources and mechanisms enabling the cover-up under the guise of the legality necessary for the scheme to take effect.

Iran was attracted to the plan, and this will be proven below, thanks to a promise made by the Argentine foreign minister to enable the withdrawal of the red notices that still flagged five of its nationals. There are a number of elements that indicate that this was the secret agreement between Timerman and Salehi outside the text of the agreement. The fact that this objective was thwarted by third parties not involved in the scheme (Interpol) discouraged the Iranians from their interest in the matter. However, this did not stop the progress of this criminal plan concocted by the named Argentine authorities; it remained operational.

It is precisely at this point that we will fully analyze the immunity plan being furthered, that includes: the cover-up decision, the inclination of certain Argentine executive authorities to forego the demand for justice, the secret negotiations with Iran and the efforts to keep them concealed, the public negotiations whose content was also kept secret, the interest in Iranian oil, the geopolitical reasons for realignment with Tehran, Timerman’s promised agreement to get the red notices dropped, the existence of secret commitments beyond the Memorandum, and the concoction of an alternative false theory in order to get the charges against the Iranians dropped.

We will likewise conduct a detailed examination of the text of the Memorandum of Understanding and will demonstrate how its provisions make certain aspects of the criminal plan viable.

a) *The cover-up decision*

Clearly the decision made by President Fernández to restore relations with the Islamic Republic of Iran cannot be legally questioned. This is neither a complaint nor a criticism of the change in political focus by the government or its officials regarding a political matter, nor a change of direction in the way it conducts its international relations when facing a conflict and/or other states. Nor is it is there any complaint or much less a questioning of the mere fact of undertaking negotiations with the Islamic Republic of Iran in particular, whether they involve trade or even the AMIA cause. It is clear that all of these matters and actions are the exclusive and restricted domain of the Executive Branch that, as the supreme leading body of the country, is imbued with the constitutional authority to complete and execute treaties and carry out negotiations designed to maintain good relations with foreign nations (art. 99, ¶¶ 1 & 11 of the Constitution). Nothing of this nature is being questioned.

The decision to commence negotiations with the Iranian authorities, or the mere fact of reaching an agreement with this government, constitutes in principle the creation of a foreign policy strategy and action that is discretionary in nature and the exclusive purview of the executive branch and cannot be subject to court oversight.

However, although it is true that the subject, timeliness and appropriateness of what has been performed is not known to the judges, the Judicial Branch is obligated to intervene when the performance of certain acts, even those that fall within jurisdictions constitutionally assigned, entail the commission of crimes. In other words, if the negotiations had merely exceeded constitutional limits with

respect to the jurisdiction of the powers of state, they would be sanctioned as unconstitutional. But here there is a more serious issue involved. It involves an action that is not only unconstitutional but also criminal, given that the acts performed, that were designed to cover for the accused individuals involved in this attack, constitute conduct punishable by Argentine criminal law.

Thus, underlying a goal that can be considered legitimate, such as restoring full diplomatic and trade relations with Iran, and beside the fact that it was the competent authorities that were involved with the rapprochement, the use of criminal schemes to suppress the goal of achieving justice in the bloodiest attack ever perpetrated on Argentine soil becomes questionable under criminal law.

The moment the president made the criminal decision to help the accused Iranians escape the proceedings of the courts lies somewhere between the end of the month of October of 2010 and January of 2011. There are a number of converging reasons that place the decision between these dates.

There are two events, in August and September of 2010, indicating that until that time there had been no recorded changes in the direction of Argentine policy regarding the AMIA cause, which is to say, the cover-up decision had not yet been made.

The first of these events occurred on August 11, 2010, when Timerman, the foreign minister, held a meeting with the Secretary of State of the United States. On that occasion, Mrs. Hillary Clinton highlighted the mutual cooperation between the two countries in their battle against terrorism, and indicated that her country supported the claim by the Argentine courts relating to the deplorable and tragic terrorist attacks (Statements by Secretary of State Hillary Rodham Clinton with the foreign minister of Argentina, Héctor Timerman, 08/11/2010, Department of State, United States).

Following the press conference with Secretary Clinton, and when asked about relations with Iran, Timerman stated: “*we face a very complex situation. We have obtained evidence*

of the participation of certain Iranian officials in the attack on the Jewish embassy⁴ in Buenos Aires. Interpol accepted this evidence and we have requested their arrest... Argentina is not seeking any operation of any type that does not involve justice. We seek a solution to this very serious problem” (“Timerman aseguró que el diálogo EEUU-UNASUR es posible y deseable” [Timerman assured that USA-UNASUR dialogue is possible and desirable], *Prensa Argentina*, 08/11/2010; Barón, Ana. “Timerman, con Hillary: apoyo por Irán y diferencias por Honduras” [Timerman with Hillary: Support regarding Iran and differences regarding Honduras], *Clarín*, 08/12/2010).

With regard to this, it was also reported that the U.S. Secretary of State “*reiterated the support of her country for Argentina in its claim against Iran requesting that the individuals suspected of an attack on the AMIA Jewish community center be turned over*” and that she specifically supported “*...the arrest warrant for the six Iranians (including the current Iranian Minister of Defense Ahmad Vahidi) and one Lebanese individual...*” (“Hillary apoyó el pedido argentino a Irán por atentado a la AMIA” [Hillary backed the Argentine request to Iran for the AMIA attack], *Clarín*, 08/11/2010; Barón, Ana. “Timerman, con Hillary: apoyo por Irán y diferencias por Honduras” [Timerman with Hillary: Support regarding Iran and differences regarding Honduras], *Clarín*, 08/12/2010).

And with respect to this same matter, at some point before the direct and secret contact with the Iranians began, Timerman stated: “*...I was able to learn that a thwarted attack on JFK airport in the United States involved Mohsen Rabbani, who was the cultural attaché at the Iranian Embassy in Buenos Aires. Neither Hillary Clinton nor the people who are investigating here knew this. Now there is a connection between an attack that was thwarted in the United States and the AMIA attack...*” (Cibeira, Fernando. “Hay que relacionarse sin intermediarios” [Relations must be established without intermediaries], Report on Foreign Minister Héctor Timerman, *Página 12*, 01/09/2011).

In other words, up to that point Héctor Timerman, as foreign minister, appeared to be committed to the court case against the Iranians and to the task of gathering international support for the Argentine call for justice.

The second notable event involves what occurred on September 24, 2010, when the president, as she has done every year,

⁴ While erroneously referring to the “Jewish embassy,” in reality he intended to allude to the attack on the AMIA headquarters.

addressed the United Nations General Assembly and, on the subject of the AMIA, offered the Islamic Republic of Iran the possibility of selecting, by common accord, a third country in which to conduct the trial of the Iranian citizens accused in the attack, with the participation of international observers (Speech by Cristina Fernández at the 65th United Nations General Assembly on September 24, 2010).

Iran's response to the Argentine proposal arrived four days later. In a missive addressed to the president of the General Assembly, the Permanent Representative of the Islamic Republic of Iran to the United Nations, Ambassador Mohammad Khazaei, reiterated once again the historical position held by Iran regarding this case (Letter dated September 28, 2010, addressed to the president of the General Assembly by the Permanent Representative of the Islamic Republic of Iran to the United Nations, Mohammad Khazaei, A/65/495, distributed on 10/06/2010).

In other words, while the Argentine political authorities were still trying to move forward on their claim for justice, perhaps with a less ambitious offer, Iranian diplomacy was literally reversing course on the issue, in line with its historical rhetoric, by accusing Argentina of not wanting to cooperate and of supporting terrorism.

Up to that point there were no facts or circumstantial evidence of any import that would allow for suspicions that the immunity plan had already been decided upon and set in motion under the table.

Former President Néstor Kirchner died on October 27, 2010. This fact is not simply anecdotal. It has been put forth in order to point out that during a time almost contemporary with this occurrence, the AMIA cause was no longer a "state policy" and became an adjustable trigger, a disposable part. And the most serious issue here is that in order for this to occur, high-ranking officials from the Argentine government, among other participants, resorted to criminal conduct.

a.1) *The Aleppo summit:*

In fact, the first known and relevant element of circumstantial evidence that signals the decision to move forward with the cover-up plan alleged herein was recorded only three months after Néstor Kirchner's death. It occurred in January of 2011, when the Argentine foreign minister left the presidential delegation accompanying President Fernández on a tour through the United Arab Emirates, Kuwait, Qatar, and Turkey, in order to attend some meetings in the Syrian Arab Republic (pp. 131,189–131,194; Eliashev, Pepe, "Argentina negocia con Irán dejar de lado la investigación de los atentados" [Argentina is negotiating with Iran to set aside the investigation into the attacks], *Diario Perfil*, 03/26/2011, pp. 130,911–130,913).

Specifically, on January 23, 2011, Timerman arrived in Damascus where he met with Syrian Foreign Minister Walid al-Mohalem. Later, he travelled to Aleppo where he met with President Bashar Al-Assad.

Curiously the country's Ministry of Foreign Affairs and Worship did not issue any press release that mentioned the meeting between our foreign minister with Syrian president Al-Assad and his foreign minister, in spite of the historical importance of such a meeting and the strange circumstances under which two officials so hierarchically dissimilar would meet, such as a president and a foreign minister ("Argentina y Siria fortalecieron las relaciones" [Argentina and Syria strengthened relations], *Télam*, 01/25/2011; "Encuentro entre el Presidente de Siria Bashar Al-Assad y el canciller argentino Héctor Timerman" [Meeting between Syria's President Bashar Al-Assad and Argentine Foreign Minister Héctor Timerman], *Islamic Press*, Source: SANA, 01/24/2011).

However, a public wire story from the official Syrian news agency (SANA) reported that on January 23, 2011, the Syrian foreign minister had met with his counterparts from Argentina and Iran, one after the other, and that on the following day both ministers travelled to the city of Aleppo where they met with President Al-Assad. According to the news agency quoted, Timerman and Al-Assad addressed matters relating to strengthening trade and scientific exchange between the two countries,

the Middle East peace process, and relations among Arab and Latin American nations (“Encuentro entre el Presidente de Siria Bashar Al-Assad y el canciller argentino Héctor Timerman” [Meeting between the Syrian president Bashar Al-Assad and Argentine Foreign Minister Héctor Timerman], *Islamic Press*, Source: SANA 01/24/2011). TÉLAM, the official Argentine news agency, issued similar information (“Argentina y Siria fortalecieron las relaciones” [Argentina and Syria strengthened relations], *Télam*, 01/25/2011).

A variety of evidence today corroborates the fact that the foreign minister of Iran at the time, Ali Akbar Salehi, participated secretly in that summit meeting (pp. 131,189–131,194; Eliashev, Pepe, “Argentina negocia con Irán dejar de lado la investigación de los atentados” [Argentina is negotiating with Iran to set aside the investigation into the attacks], *Diario Perfil*, 03/26/2011, pp. 130,911–130,913; Eliashev, Pepe, “Polémica en torno a la negociación secreta entre Argentina e Irán” [Controversy over secret negotiations between Argentina and Iran], *Diario Perfil*, 04/02/2011).

According to the journalist Gabriel Levinas, who made mention of having accessed “unofficial sources from the Israeli Ministry of Foreign Affairs:” “...*That meeting was attended by the Argentine delegation that accompanied Timerman and consisted of Ambassador Ahuad and two officials from Argentine intelligence, and from the Syrian side, Foreign Minister Mohalem and President Bashar Al-Assad. But, unlike what was reported by the media at that time, also attending that meeting and representing Iran were the diplomat Walid Almohalem and Foreign Minister Ali Akbar Salehi. Once the introductory portion had concluded, in which all present participated, the conversation lasting for a little more than an hour resulted in a ‘one on one’ between Salehi and Timerman in order to address the main topic...*” (Levinas, Gabriel, *El Pequeño Timerman* [The Little Timerman], Editorial B, Grupo Zeta, Buenos Aires, 2013, pp. 244 & 281).

Also, Levinas added that, according to what he was able to reconstruct from Israeli sources, Timerman had stated: “...*I am here under strict orders from our president to try to seek or find a solution to the AMIA cause. Our country’s times and moods are matters we will resolve internally...*” (Levinas, Gabriel, *op. cit.*, pp. 246 & 281).

Two months after the encounter took place, the news about the Aleppo meeting reached the Argentine society through the press. An article published by the reporter José Eliashev reported on the secret meeting and a number of matters relating to this meeting (Pepe Eliashev, “Argentina negocia con Irán dejar de lado la investigación de los atentados” [Argentina is negotiating with Iran to set aside the investigation into the attacks], *Diario Perfil*, 03/26/2011, pp. 130,911–130,913). This scoop was further developed in a second story a few days later in the same publication (Pepe Eliashev, “Polémica en torno a la negociación secreta entre Argentina e Irán” [Controversy over secret negotiations between Argentina and Iran], *Diario Perfil*, 04/02/2011).

Under oath, Mr. José Ricardo Eliashev stated that he had obtained a copy of a secret document drawn up by Minister Salehi and addressed to Mahmoud Ahmadinejad, then president of Iran, outlining the information and conclusions from that meeting. Fundamentally, as we will examine later, Salehi informed his president that the government of Cristina Fernández was prepared to suspend the matter of the investigations of the terrorist attacks that occurred in 1992 and in 1994, in order to make headway in the area of trade (pp. 131,189–131,194 and see: Pepe Eliashev, “Argentina negocia con Irán dejar de lado la investigación de los atentados” [Argentina is negotiating with Iran to set aside the investigation into the attacks], *Diario Perfil*, 03/26/2011, pp. 130,911–130,913, and Pepe Eliashev, “Polémica en torno a la negociación secreta entre Argentina e Irán” [Controversy over secret negotiations between Argentina and Iran], *Diario Perfil*, 04/02/2011).

And if these matters were not enough, Ali Akbar Salehi himself later acknowledged that the negotiations with Timerman began two years prior to signing the “Memorandum of Understanding,” a fact that places the beginning of these negotiations literally in January of 2011, which is precisely during the meeting in Aleppo. Therefore, the statements made by the Iranian foreign minister corroborate the evidence indicated here and settle any doubt regarding the time period when the negotiations began (“Irán ratificó su adhesión plena al memorándum con Argentina” [Iran confirms full adherence to the memorandum with Argentina], *Página 12*, 02/12/2103; “FM: Iran, Argentina adhere to agreement on AMIA case,” *Iran Daily Brief*, 02/14/2013; “El Canciller de Irán dice que negoció durante

dos años el acuerdo con Argentina” [Iranian foreign minister declares having negotiated the agreement with Argentina over a two-year period], *Clarín*, 02/12/2013; “Salehi: Iran, Argentina adhere to agreement on AMIA case,” IRNA, 02/12/2013).

In fact, the secret Aleppo summit meeting was conducted between the Argentine and Iranian ministers of foreign affairs, and the Syrian president and foreign minister acted not only as “intermediaries” in the rapprochement, but also as a “smokescreen” to conceal the existence of that contact.

In light of all of the foregoing, and based on all of the evidence outlined, the Aleppo summit represents the first bit of concrete and corroborated circumstantial evidence that reports the existence of a decision made by the officials at the highest levels of the Argentine government who are accused of abandoning the legitimate intent to try the Iranians charged by the courts in the AMIA cause, with the purpose, among others, of making direct and state-level trade possible, even when this implies laying out a plan to protect the accused. In light of the evidence uncovered to date, that decision was secretly communicated to the Iranian authorities by Timerman himself, the foreign minister, in Aleppo in January of 2011.

a.2) The inclination to abandon the demand for justice in the AMIA cause:

This much secrecy was a reflection of the need to hide something. The intention was to hide Dr. Fernández’s inclination to sacrifice the AMIA cause so as to approach Iran geopolitically and to move forward on official trade relations with Tehran, just as Foreign Minister Timerman presented it to his Iranian counterpart. This is the conclusion resulting from the document Mr. Eliashev stated under oath he had obtained, and by which Salehi reported to President Ahmadinejad on what had occurred in that secret summit meeting.

In effect, the witness Eliashev stated that the secret document cited, drawn up by Minister Salehi following the meeting in Aleppo, has circulated through ministries of foreign affairs in a number of countries. This report stated that “*Argentina is no longer interested in*

resolving those two attacks, but rather prefers to improve its economic relations with Iran.” In other words, the Argentine government had given up on bringing to justice the accused Iranian officials, and indicated the expectation that it would increase trade between these two countries (pp. 131,189–131,194, and see: Pepe Eliashev, “Argentina negocia con Irán dejar de lado la investigación de los atentados” [Argentina is negotiating with Iran to set aside the investigation into the attacks], *Diario Perfil*, 03/26/2011, pp. 130,911–130,913, and Pepe Eliashev, “Polémica en torno a la negociación secreta entre Argentina e Irán” [Controversy over secret negotiations between Argentina and Iran], *Diario Perfil*, 04/02/2011).

When testifying before the undersigned, the witness clarified that “*the disclosure regarding the meetings*” came to his hands in the English language, not in Farsi and, through his own verification it appeared to be completely credible. Likewise, he determined that this report contained the recommendations by the foreign minister to the president of Iran (pp. 131,189–131,194).

He also explained that the aforementioned report “*is not a matter of a cable, as it’s called in journalistic jargon,*” but rather it is “*a report from the Iranian Ministry of Foreign Affairs to President Ahmadinejad, a typical intergovernmental ‘paper’ in which the individual responsible for foreign relations for that country’s regime suggests to the president that, in the opinion of the Iranian Ministry of Foreign Affairs, it is appropriate to move forward with an important agreement with Argentina because...the conditions necessary for the Argentines to turn the page are present...*” (pp. 131,189–131,194).

Clearly no foreign minister would be so indiscreet as to present such an assertion to his president unless he was completely sure of the information being presented, a fact that represents yet one more piece of evidence that Minister Timerman in fact communicated to Tehran the inclination to abandon the court investigation in the AMIA cause. This generated the Iranian conclusion, outlined in the document, regarding the successful strategy to refuse the charges against it that, in light of what occurred in Aleppo, was producing results.

The Iranian Ministry of Foreign Affairs concluded in this document that if the legal charges were set aside, both countries could bring a new bond to fruition, and it highlighted the favorable nature of this opportunity given the passage of time, the lack of importance of the causes for current public opinion and, fundamentally, the advisability of the about-face in the Argentine government's position. That notwithstanding, the Iranian officials knew that they must operate assuming that the Argentine government would never be able to publicly admit to the reversal this rapprochement meant, and even less so to the inclination to set aside the historical claim.

However, all later facts and verifications do nothing but prove Mr. Eliashev's statements to be correct. The events evidenced since that time confirm what the witness stated regarding the document that he obtained, so much so that the execution of the Memorandum of Understanding between the two countries is precisely the final expression of what the Salehi "paper" foreshadowed. The highest-level authorities of the Argentine government were prepared to set aside their own demand for justice to benefit foreign fugitives.

The agreement leads to immunity for the Iranian defendants. On the one hand, it was deliberately planned that there would be extremely intricate mechanisms in its text that could make the agreement inapplicable, as a way to guarantee immunity. On the other hand, and in view of its possible implementation, provisions were made for any actions by the Truth Commission, that had already reached its conclusions beforehand and, as deduced from the evidence, would be the channel to introduce a new theory concerning the attack, a false but credible one, designed to ultimately exonerate the accused Iranians.

In short, the evidence shows that there was a secret initiative by certain Argentine political authorities designed to negotiate an agreement with Iran to "forget" the attacks and reactivate trade at the state level. The evidence also reveals that this matter could not be articulated publicly, which is to say, Argentine officials could not acknowledge or support such a decision before the citizenry. Tehran

understood this. It was necessary then to find a guileful way to be able to articulate these interests. This would eventually lead to the peculiar wording of the Memorandum of Understanding signed in early 2013, which is nothing more than an instrument and one of the means by which immunity would be achieved.

a.3) Circumstantial evidence concerning the secret negotiations.

Beginning in January of 2011 and continuing until late September of 2012, Argentine and Iranian officials secretly negotiated an agreement to extinguish the charges in the AMIA cause and to provide immunity for the Iranian fugitives.

Despite diligent efforts to keep these criminal machinations hidden, information came to light and incidents took place that evidenced the creation and development of the criminal plan during that year and a half of secret meetings.

These were situations known to the public that do not reveal their true significance when examined in isolation, but that when analyzed as a whole, linked together, and in light of the cover-up plan alleged in this complaint, take on their real form as they demonstrate the steps taken down the criminal path, as well as the groundwork accomplished to release the information relating to the bilateral rapprochement at the most appropriate moment.

It is important to clarify that, although not criminal actions *per se*, these events must be read as expressions that today clearly evidence the criminal plan that was surreptitiously being carried out. And that is the only legal and criminal relevance of the facts that will be outlined below.

The first piece of evidence unfolded in the public reaction to the news published by José “Pepe” Eliashev in the *Perfil* newspaper. In March of 2011, when the journalist reported on the meeting in Aleppo and on the decision to walk away from the legal case being pursued in order to take up trade relations once again,

a significant stir was generated in public opinion and even within Dr. Cristina Fernández's government. The response was not long in coming and was directly aimed at discrediting the bearer of the information in what was a sick ploy to detract from the legitimacy of the published version.

Rather than providing explanations that clarified the serious implications of the leaked report, Minister Timerman himself questioned Mr. Eliashev, maintaining simply that the information published was false and was intended to undermine his visit to Israel that occurred at nearly the same time. He stated: "...*that was false information, an operation that was conducted as an attack on my relations, which is to say on my trip to Israel... It was the opportunism of a pseudo-reporter who did not hesitate to say any old thing so long as it offended me...*" ("Brutal cruce entre Héctor Timerman y Pepe Eliashev por el pacto con Irán" [Brutal exchange between Héctor Timerman and Pepe Eliashev because of the agreement with Iran], *Mañana Sylvestre*, La Red radio and *Diario Perfil*, 04/20/2011; emphasis added). By any reckoning it was a clumsy "ad hominem" fallacy given that he said nothing about the meeting.

However, it was the Iranian counterpart himself who ultimately and categorically contradicted Minister Timerman. Minister Salehi, who was personally involved in the negotiation process, publicly acknowledged in February of 2013 that the negotiations had lasted for two years. He specifically stated: "...*we have met for two years with Héctor Timerman, the Argentine foreign minister*" ("Irán ratificó su adhesión plena al memorándum con Argentina" [Iran confirms full adherence to the memorandum with Argentina], *Página 12*, 02/12/2013; "FM: Iran, Argentina adhere to agreement on AMIA case," *Iran Daily Brief*, 02/14/2013; "El Canciller de Irán dice que negoció durante dos años el acuerdo con Argentina" [Iranian foreign minister declares having negotiated the agreement with Argentina over a two-year period], *Clarín*, 02/12/2013; "Salehi: Iran Argentina adhere to agreement on AMIA case," IRNA, 02/12/2013).

This admission obligated the mendacious Argentine foreign minister to qualify his first version, stating: "*there has been interest on the part of Iran for two years*" in addressing the case. He added that he did not remember before because "*since they never wanted to involve the Argentine courts, there was no possibility for dialogue,*" and he finally had to acknowledge simply, "*there were conversations,*

there were messages” (Piqué, Martín. “Si se lleva adelante el memorándum, se activa la causa y comienza el juicio” [If the memorandum goes ahead, the cause will be activated and the trial will begin], *Tiempo Argentino*, 02/17/2013).

In other words, not only was the real reason for that meeting denied and the negotiations that began there hidden, but when these facts became public knowledge through the press, the decision was made to question the reporter responsible for the scoop as a means of impugning the legitimacy of the information and making it implausible. It is worth noting that the witness Eliashev stated under oath that he had personally seen the aforementioned copy of the document, explaining the circumstances under which he accessed it. These criticisms of the press were an indication of the interest in keeping these negotiations in the dark. And that would not be the only time that, in order to discredit sources within the context of this criminal plan, rather than refuting the facts, the foreign minister resorted to questioning those who reported the facts that he preferred to conceal, as was the case with the statements by former Deputy Foreign Minister Roberto García Moritán.

Of course the Argentine official could not publicly admit that he had abandoned the demand for justice in the AMIA case in order to enable the trade rapprochement with the Islamic Republic of Iran.

The second piece of circumstantial evidence arose on the eve of the 17th anniversary of the attack on the AMIA headquarters, when the Iranian press reported on a press release from the Ministry of Foreign Affairs from that country, dated July 16, 2011, in which it stated that it was “*open to constructive dialog*” and “*to cooperating with the Argentine government, within the bounds of the law and mutual respect, in order to bring full clarity to the court investigation to help ensure it does not go down a wrong path.*” According to the news reports, the Iranian government had expressed its indignation “*at the fact that the search for the truth regarding the criminal action had become the subject of conspiracies and political games*” designed to implicate Iran, “*in order to steer the judicial process off its path and prevent the individuals truly responsible for this crime from falling into the hands of the judicial system.*”

He added, “*The Ministry of Foreign Affairs of Iran also expresses its discomfort with the continuation of these acts carried out by those individuals who have been operating in the Argentine Judicial Branch since that time*” (“Irán, dispuesto a cooperar con Argentina por atentado contra AMIA de 1994” [Iran prepared to cooperate with Argentina concerning the 1994 AMIA attack], *El Comunal*, 07/16/2011; “Iran to cooperate over Argentina Jewish Centre bomb,” *BBC News*, 07/17/2011; “Argentina welcomes Iran offer in AMIA bombing probe,” *Tehran Times*, 07/18/2011; “Argentina welcomes Iran offer in 1994 bombing inquiry,” *BBC News*, 07/18/2011; “Irán promete ayuda para esclarecer el caso AMIA” [Iran promises help to solve the AMIA cause], *La Nación*, 07/17/2011; Eliashev, Pepe, “Las condiciones que pone Irán para dialogar” [Conditions set by Iran for talks], *Perfil*, 07/23/2011).

It is worth noting that at that time, the offer of cooperation surfaced completely out of context, at least for the Argentine people. Iran stated out of the blue that it was ready to cooperate, without cause or reason whatsoever that would explain that move. Today it is understood that it was a gesture expressed within the framework of the negotiations that were being held in secrecy.

In response, the Argentine Ministry of Foreign Affairs issued a press release on July 17 reporting that it had become aware through the press of the communiqué from the Iranian Ministry of Foreign Affairs, and that it expected “*to receive the official communiqué from its Iranian counterpart*” regarding the offer of cooperation. The Argentine press release added, “*if the published information is confirmed, it would signify unprecedented and very positive progress on the part of the authorities of the Islamic Republic of Iran with respect to the AMIA cause.*” And it concluded by stating: “*Argentina does confirm that the law and the courts are the only path that societies and their governments must follow to combat international terrorism*” (Ministry of Foreign Affairs and Worship, Press Release No. 336/11, “Respuesta del gobierno argentino ante el anuncio de cooperación del gobierno iraní en la causa AMIA” [Response by the Argentine government to the statement of cooperation from the Iranian government regarding the AMIA cause], 07/17/2011; “Argentina welcomes Iran offer in AMIA bombing probe,” *Tehran Times*, 07/18/2011; “Argentina welcomes Iran offer in 1994 bombing inquiry,” *BBC News*, 07/18/2011; “AMIA: promesa iraní para el aniversario” [AMIA: Iranian promise on the anniversary], *Ámbito Financiero*, 07/18/2011).

Thus, although the Argentine authorities upheld a certain level of ambiguous official support for the courts of the nation as the required means of dealing with this matter, in contrast with what had been happening up to this point they did not respond at all to the Iranian statements that suggested that the Argentine legal conclusions were biased by political interests, that they were heading in the wrong direction, and that the purpose of the help promised by Iran was to modify that course and refocus the investigation towards another theory that would have other suspects, thus exonerating Iran in the case.

In other words, Iran was repeating its usual rhetoric. It was not offering to submit to the requests for cooperation issuing from the national courts, much less to detain the fugitives it was protecting on its soil, but rather it was offering to collaborate in redirecting the investigation towards another theory in which obviously Iran would not be involved.

The response from the Argentine government did not acknowledge these facts, nor did it acknowledge the words discrediting the national courts; it did not object to any of this. To the contrary, it seemed to support them in a way unheard of at that time.

In fact, in spite of the eloquent disparagement of the proceedings in the Argentine courts, and far from requiring any clarification of the implications of what was stated, as the Ministry of Foreign Affairs of our nation would have done at other times when confronting these kinds of statements, Foreign Minister Timerman stated that the proposal “*would be unprecedented and very positive progress*” (Ministry of Foreign Affairs and Worship, Press Release No. 336/11 dated 07/17/2011). Today there is proof that the groundwork was being laid for the cover-up of a crime against humanity.

And it is appropriate to pause here and reflect: What happened with that offer of cooperation from Iran? Predictably, nothing. It was all simply empty words, as it has always been with Iran in this cause.

Furthermore, it must be said that with respect to that Iranian offer, the Prosecuting Office directed by undersigned once again sent two new letters rogatory to the Islamic Republic of Iran including in their text the offer of collaboration from the Iranian authorities as a way of leveraging the announced willingness to cooperate as a way of benefiting the investigation. They never responded (p. 1179 of File 415 and p. 6416 of File 392).

Unfortunately it is now clear that everything was a matter of staging in order to move forward with the immunity plan that was being developed at that time.

The third piece of circumstantial evidence arose two months later, on the date of the opening of the 66th United Nations General Assembly on September 22, 2011. For the first time since 2009, the president instructed the Argentine Ambassador to that organization at the time, Jorge Argüello, to remain in his seat while the then president of the Islamic Republic, Mahmoud Ahmadinejad, made his speech. This contrasted with the president's long-held decision in previous years to remove the Argentine delegation from the floor and not attend Ahmadinejad's speeches ("La AMIA reclamó que la delegación argentina abandone la ONU cuando hable el presidente de Irán" [AMIA called for the Argentine delegation to walk out of the United Nations when the president of Iran spoke]" *La Prensa*, 09/11/2012; Mindez, Leonardo, "AMIA: Con otro gesto oficial se confirmó el giro ante Irán" [AMIA: Another official gesture confirms the about-face with Iran], *Clarín*, 09/23/2011; Levinas, Gabriel, *op. cit.*, pp. 173, 189, 208, & 279). A messaging signal such as this is less cryptic if contextualized within the framework of the negotiations that both countries were holding in secret.

As already stated, the president's political decision to order the Argentine ambassador to the United Nations to remain seated during the Iranian chief executive's speech is not being questioned. It is simply mentioned on this point because it is important circumstantial evidence concerning the existence of the then-secret negotiations.

The fourth piece of circumstantial evidence arose during the month of September of 2012 when, for the first time in years, the president of the nation decided not

to invite any of the community leaders from local Jewish institutions to be part of the Argentine delegation that travelled to the 67th United Nations General Assembly. One of them acknowledged it this way: “...*this last year we were unfortunately not invited. And it was precisely when this board’s request for dialog with the president of the nation arose...*” (Borger, Guillermo. Transcript of the Plenary Session of the Committees in the Honorable National Senate on February 13, 2013). This bit of information is quite telling if we keep in mind that it is precisely at this time that Dr. Fernández officially announced her decision to “initiate” conversations with Iran regarding the AMIA case.

The existence of prior negotiations and agreements with Iran, and prior knowledge of the announcement that would be made, must have driven the decision not to add Jewish community leaders to the committee. This is an indication, as corroborated by the other evidence, that the president lied when maintaining that the negotiations were being initiated at that time. This would not end up being the only lie, or the most serious one.

In other words, during the course of the secret negotiations, from January of 2011 to September of 2012, there were signs of change that, as we understand today, reflected the rapprochement between officials from both countries and, essentially, the criminal plan that had been developed whose final purpose it was to provide immunity to the fugitive defendants and to nullify the charges made by the undersigned and the Judge, who obtained strong and decisive international support in the ensuing votes at Interpol.

In sum, in spite of the fact that the Argentine government authorities involved in the cover-up of the accused Iranians logically tried to keep strictly secret the negotiations being held with Iranian officials, a number of pieces of circumstantial evidence began to come to light that clearly coalesced as signs of the existence of these dealings.

In fact, the secret meeting Héctor Timerman held in Aleppo was leaked to the press and the Argentine foreign minister sharply criticized the reporter who spread the news. Out of the blue, without

any explanation whatsoever, Iran stated in June of 2011 that it was ready to negotiate on matters relating to the attack. After two years, the Argentine government, represented by its ambassador, was present at President Ahmadinejad's speech before the United Nations General Assembly. President Fernández did not invite the Jewish community associations, as she had done before, to be part of the delegation accompanying her to the next annual meeting of the United Nations, and precisely at that time she announced negotiations with the Islamic Republic of Iran relating to the terrorist attack of July 18, 1994. Can all of these signs simply be taken as matters of chance? Common sense would indicate they cannot, but it is the evidence that has been obtained that confirms that all those actions were due to the secret rapprochement that had occurred between the parties whose final goal it was to provide immunity to the Iranian fugitive defendants.

a.4) Public negotiations.

On September 25, 2012 President Cristina Fernández announced before the United Nations General Assembly that she had instructed her foreign minister, Héctor Timerman, to initiate a process of negotiations with Iran regarding the AMIA case.

The official communiqué indicated that this decision was in response to a request made by Iran seven days prior to the opening of the General Debate of the United Nations General Assembly (Ministry of Foreign Affairs and Worship, Press Release No. 302 dated 09/18/2012).

However, as already evidenced, the particulars obtained here demonstrate that this was only a matter of staging when considered in light of the fact that the parties had been in negotiations for more than a year. This may be concluded from the analysis set forth in the previous points. Thus, “...*Cristina and her minister were simply making official what was already a done deal...*” (See: Levinas, Gabriel, *op. cit.*, p. 237).

This also finds support both in what Mr. Eliashev testified and in what Minister Salehi himself publicly stated, demonstrating that the “beginning” of the negotiations announced by Dr. Fernández and her minister in September of 2012 was simply false (“Irán ratificó su adhesión plena al memorándum con Argentina” [Iran confirms full adherence to the memorandum with Argentina], *Página 12*, 02/12/2013; “FM: Iran, Argentina adhere to agreement on AMIA case,” *Iran Daily Brief*, 02/14/2013; “Él Canciller de Irán dice que negoció durante dos años el acuerdo con Argentina” [The foreign minister of Iran says he negotiated the agreement with Argentina for two years], *Clarín*, 02/12/2013; “Salehi: Iran, Argentina adhere to agreement on AMIA case,” IRNA, 02/12/2013; pp. 131,189–131,194; Eliashev, Pepe, “Argentina negocia con Irán dejar de lado la investigación de los atentados” [Argentina is negotiating with Iran to set aside the investigation into the attacks], *Diario Perfil*, 03/26/2011, pp. 130,911–130,913; Eliashev, Pepe, “Polémica en torno a la negociación secreta entre Argentina e Irán” [Controversy over secret negotiations between Argentina and Iran], *Diario Perfil*, 04/02/2011; Eliashev, Pepe, “Las condiciones que pone Irán para dialogar” [Conditions set by Iran for talks], *Perfil*, 07/23/2011).

Furthermore, as far as *The Tehran Times* is concerned, negotiations between Argentina and Iran had begun even before the Aleppo summit, around the middle of 2010, beginning with a series of secret meetings among officials from both governments, “...in order to pave the way for the execution of the memorandum of understanding...” (Soroush, M. “Iran and Argentina deal a serious blow to Zionists,” *Tehran Times*, 02/23/2013; Levinas, Gabriel *op. cit.*, p. 238; “La prensa iraní afirma que la negociación con Argentina empezó en 2010” [The Iranian press asserts that negotiations with Argentina began in 2010], *La Nación*, 02/24/2013). This was also mentioned by Mr. Eliashev in his news stories. (Eliashev, Pepe, “Argentina negocia con Irán dejar de lado la investigación de los atentados” [Argentina is negotiating with Iran to set aside the investigation into the attacks], *Diario Perfil*, 03/26/2011).

However, the truth is that on September 25, 2012 at the United Nations, Dr. Fernández decided to give official status to the negotiations with the Islamic Republic of Iran. She naturally said nothing about the year and a half of secret dealings that took place between January of 2011 and September of 2012.

What she did state to the victims and relatives of the victims was: “*rest assured that this president will not take*

any decision with respect to any proposal put to her without FIRST consulting with those who have been the direct victims of this. And, at the same time, also with those political parties having parliamentary representation in my country, because this matter cannot be settled by a single political entity...” (Speech by Cristina Fernández to the 67th United Nations General Assembly on September 25 of 2012; emphasis added).

However, and in spite of having promised publicly to check with them prior to coming to any decision, nothing of the sort occurred and, after three meetings with Iranian officials in Switzerland on January 27, 2013, the announcement was made in Addis Ababa, Kingdom of Ethiopia, regarding the execution of the “*Memorandum of Understanding between the Government of the Argentine Republic and the Government of the Islamic Republic of Iran regarding the matters associated with the terrorist attack on the headquarters of the AMIA in Buenos Aires on July 18, 1994*” (Ministry of Foreign Affairs and Worship, Press Release No. 011/13 dated 01/27/2013).

The execution of the agreement provided evidence that the president did not keep her word. It will be shown below that this promise not kept is not only morally reprehensible, a matter not relevant in legal terms, but rather – and this does matter – it was an action aimed particularly at helping advance the criminal plan alleged herein.

The president communicated this agreement through her official Twitter account on a Sunday, coincidentally also the “*International Day of Commemoration in Memory of the Victims of the Holocaust*,” and in doing so, she referred to it as an “historical” event (Twitter messages from Cristina Fernández’s account on January 27, 2013, sent between 10:26 and 10:32).

In that regard, AMIA authorities spoke of a “*unilateral memorandum*” and pointed out that “*the proposal appears to have been signed, a fact regarding which we have not been informed*,” “*this memorandum surprised all of our citizens last January 27; we were never consulted, nor was there any mention of it*” (Borger, Guillermo in: “AMIA advirtió un momento difícil, tras el acuerdo entre Argentina e Irán” [AMIA

warned of difficult times following the agreement between Argentina and Iran], *La Nación*, 02/03/2013; “Presidente de la AMIA prometió no bajar los brazos y se comprometió a evitar que la causa por el atentado causa en la nulidad” [AMIA president promised not drop his guard and promised to keep the cause in the attack from becoming null and void], *Jewish News Agency*, 03/04/2013).

In turn, DAIA representatives stated that they had become aware of the agreement at the same time as the rest of the public, and explained that the institution was not previously consulted nor did it participate in writing the document (Schlosser, Julio in: “La DAIA reconoció que hay un resquemor en la comunidad judía por el acuerdo que la Argentina firmó con Irán” [DAIA acknowledged that there is some bitterness in the Jewish community as a result of the agreement that Argentina signed with Iran], *Itongadol*, 02/04/2013).

Going back to the month of September of 2012, and following the presidential announcement before the United Nations, the Argentine Ministry of Foreign Affairs and the Iranian Ministry of Foreign Affairs issued a joint press release that, as we will show, helped expand the presidential lie. In that report, both ministries indicated having promised to explore legal mechanisms that would not conflict with the legal systems of Argentina and Iran (Ministry of Foreign Affairs and Worship, Press Release 313/12 dated 09/27/2012).

It is important to point out here that the result of the diplomatic meetings was not precisely consistent with the Argentine legal system. To the contrary, in accordance with the opinion issued by the Prosecutorial Investigation Office that I head, the Memorandum of Understanding violated the Constitution and international rules governing human rights that hold equal standing. This was upheld in the decision by the Federal Criminal and Correctional Court of this city, that ruled unconstitutional the agreement and of the law ratifying it (CCCF, Chamber I, CFP 3184/2013/CA1 “AMIA re. *Amparo* Law 16986, 05/15/2014, Court No. 6, Clerk of Court No. 11). In other words, in contrast to what was announced, Minister Timerman executed a legal instrument in flagrant contradiction with the local laws.

Having clarified this, it is important to add that the first press release was followed by others in which the Ministry of Foreign Affairs reported on brief meetings among the parties, but said nothing concrete about the

content of the conversations or about the scope of the matters negotiated (Press Release from the Ministry of Foreign Affairs and Worship dated 09/27/2012 – No. 313/12; 10/29/2012 – No. 353/12; 10/31/2012 -No. 360/12; 12/01/2012 -No. 391/12; 01/07/2013 -No. 002/13).

To this day Argentine authorities have not provided the slightest bit of information regarding what was negotiated during those meetings.

In fact, when faced with the request outlined by the undersigned at the request of the plaintiff institutions AMIA (Argentine Israelite Mutual Aid Association) and DAIA (Delegation of Argentine Israelite Associations) requesting information on the meetings with Tehran, Timerman's ministry reported "*that since it was a matter of a process of diplomatic negotiations between states, the parties had agreed to keep the content confidential while the negotiations last*" (Official correspondence dated November 5, 2012, footnoted on p. 132,805 and Memo No. 2194, dated November 8, 2012 in DIAJU File No. 7102/11, Ministry of Foreign Affairs and Worship).

In truth, by making use of the prerogative of secrecy typical of diplomatic activity, hiding behind the confidentiality allowed for certain meetings, Minister Timerman kept his dealings secret because he was in no position to make them public. He was negotiating a cover-up, and publicity and citizen control were his greatest enemies. It is one more instance of the dual use of diplomatic functions to veil criminal actions designed to cover up terrorism. It is nothing new for Tehran, nor evidently is it for those covering up this criminal scheme.

In short, just as the facts presented here demonstrate, the dealings relating to this matter were initiated under the greatest secrecy, hidden behind intermediaries and "smokescreen" meetings, and they continued this way for the following year and a half until a public announcement was made about the "beginning" of the dialog, whose content and scope had remained private. So as to avoid any leaks, first of the existence of the contacts and then of their contents, they resorted to denying and distorting the facts and even to questioning and discrediting the

sources providing information on the matter as a strategy to prevent the verification of these facts in any way necessary, and without addressing the matters being questioned.

This was the beginning of the criminal plan. Following this, all formalities were gradually dispensed with, in a manner of speaking, as they became more deeply involved in an activity and a set of criminal events for which Argentina's judicial history is probably lacking in precedents. As you will see, they are clear examples of immunity and of the arbitrary and criminal use of state power that have seldom been seen.

b) The reasons for the cover-up

Even though, from a legal standpoint, establishing the existence of the crime of accessory after the fact [the cover-up] does not require proving the interests that might have prompted the perpetrators to display the conduct defined under law, given the sophistication characterizing this case, it is of great illustrative value to expand on certain aspects of this matter based on the circumstantial evidence and the pieces of evidence obtained, since in the opinion of the undersigned, they contribute to the full understanding of the criminal plan alleged herein.

It has already been shown that the Argentine authorities decided that it would be appropriate to restore full bilateral relations with the Islamic Republic of Iran. We should reiterate with respect to this point that there is nothing to discuss given that, whether shared or not, this decision belongs to the Executive Branch and is a matter that lies outside the courts.

On the other hand, it is important to clarify that the trade-related reasons that motivated Argentine authorities and other participants, worked up over the severe energy crisis, may be deduced from the evidence at hand and are therefore considered to be determining but not sole factors underlying in the alleged conduct.

There is also evidence that demonstrates that there were reasons of a geopolitical nature that prompted the rapprochement with Tehran. According to this evidence, it was understood that the current world scenario

avored rapprochement with Iran and required the abolition of the AMIA cause.

Moreover, one cannot rule out the existence of other alternative and complementary reasons in addition to those noted here that have also contributed to propelling the decision and the cover-up schemes outlined here. In this case the determination of these concurrent reasons may be addressed in the investigation pursued herein.

However, Dr. Cristina Fernández was sufficiently wise to note *a priori* that this decision would never be tolerated peacefully in the forum of Argentine public opinion due to the decision adopted by the national courts regarding the responsibility on the part of Iranian officials in the attack on the AMIA headquarters.

In other words, forging a closer relationship and negotiating with a government whose officials and ex-officials are accused of participating in the most serious attack ever carried out on national soil would generate a great controversy if the pending matter surrounding the AMIA cause were not addressed prior to beginning the trade dealings.

This being the case, the means employed by the president to resolve this thorny issue is truly inexplicable and, essentially, criminal. She simply decided to obviate the problem. She then opted to ignore what had been decided by the courts and order the execution of a cover-up plan that would release the Iranian fugitives from all suspicion, freeing them of any criminal liability and guaranteeing their immunity for the future. Without any criminal charges to hinder relations, there would be no objections to progress in trade relations at the state level. Therefore, there was the need to clean up Iran's image.

With this idea in mind, an agreement of immunity was negotiated in secret, one that approved the withdrawal of Interpol's red notices for the five accused Iranians and, as we will see, clandestinely constructed an alternative theory that would point to new and false suspects in order to exonerate the true guilty individuals.

Along this path, secret and then public negotiations took place, the Memorandum of Understanding was executed, its ratification was obtained quickly in Congress, relatives and victims of the attack were lied to as they were promised that they would be consulted on the proposals set forth during the negotiations, agents from the intelligence service for the Office of the Presidency were assigned to “construct” a false but credible alternative theory contrary to the one obtained in the courts, based on the evidence in the case, resorting to a former prosecutor involved in the cause so that he would contribute his knowledge. A parallel channel of communication was established with Tehran. A political and media campaign was mounted to discredit the legal charges, and actual proceedings were undertaken in order to conceal the criminal plan. In short, countless actions were carried out that, when analyzed as a whole, reflect both direct criminal intent by the participants in these criminal machinations as well as the thoroughness with which the cover-up was thought out and executed.

b.1) An unusual cover-up

The accumulated evidence enables the conclusion that the rapprochement that led to signing the Memorandum of Understanding as a means of achieving immunity, as well as its constant promotion, has not been driven by Iran, but rather it was the aforementioned Argentine authorities that have principally been executing this criminal plan. As was already pointed out, this marks a peculiarity in the perpetration of the crime, in light of the fact that, although it may seem irrational, this cover-up has been driven by the interests of the individual conducting the cover-up more than by that of the individuals whose acts are being covered up.

It was neither the Iranian authorities nor the fugitives who crossed oceans and deserts to arrive at the northern city of Aleppo in Syria to secretly negotiate an agreement offering immunity, as will be proven below.

In turn, the facts reveal that the Iranian authorities only cared about the removal of the Interpol red notices pending against five of its nationals, individuals of significant relevance in the political life of Iran. They had acknowledged the insult suffered when their former Minister of Defense Ahmad Vahidi had to leave Bolivia when faced with the pressure generated by the enforcement of the red notice against him (“Bolivia echó a Ministro de Defensa iraní acusado por atentado en la Argentina” [Bolivia threw out the Iranian Minister of Defense charged with an attack in Argentina], *Infoabae.com*, 05/31/2011; “Evo expulsó a un funcionario iraní” [Evo expelled an Iranian official], *Página 12*, 06/01/2011; “Bolivia pide disculpas a la Argentina y expulsa a Ministro de Defensa iraní” [Bolivia apologizes to Argentina and expels Iranian Defense Minister], *El Mundo*, 06/01/2011). Episodes such as these have forced the regime to provide diplomatic immunity to each one of the fugitives every time they travel abroad.

In fact, in May of this year, representatives from the Republic of Korea inquired about the implications of a possible invitation for the accused Mohsen Rezai to visit that country. Arrangements were made to communicate immediately with Interpol so that, if the visit took place, the pending international arrest warrant for the accused individual, designated with a red notice, would be executed (Official Communiqué from the Ministry of Foreign Affairs and Worship of 05/09/2014, Memo No. 5572/14; Official Communiqué to the Chief of the Interpol Department of the Argentine Federal Police dated on 05/12/2014).

This indicates that, as has been stated, although the red notices have not yet caused the arrest of the accused individuals, they clearly affect them, given that they continue to be an obstacle hindering their transnational mobility.

Also, Iranian interest in the ratification of the agreement disappeared when the red notices were not removed as had been agreed. Note that on March 10, 2013, the Memorandum of Understanding was submitted to the Iranian Parliament for its ratification. A week later, on March 15, Interpol guaranteed the active status of the red notices. The following day, Foreign Minister Salehi publicly expressed his disagreement with the decision made by the International Criminal Police Organization when clarifying that, as agreed

and in accordance with the agreement, the simple fact that it had been signed meant that Interpol should put a stop to the red notices. The consequence of that disappointing setback for Iran was that the agreement was never addressed by the parliament and appears to have remained off the Iranian legislative agenda (Pagni, Carlos, “El kirchnerismo, en el peor de los mundos” [Kirchnerism in the worst of all worlds], *La Nación*, 05/30/2013; “El memorandú con Argentina llega al parlamento iraní” [The memorandum with Argentina reaches the Iranian parliament], *Europa Press*, 03/11/2013; Kollmann, Raúl “Con novedades semana a semana” [News from week to week], *Página 12*, 03/24/2103; Memo No. LA/35678-47-3.1 EGI/tsa, Legal Reception Desk, General Secretariat, International Criminal Police Organization, 03/15/2013; Ministry of Foreign Affairs and Worship, Official Communiqué No. 044/13 from 03/15/2013; IRNA, “Salehi, Irán y Argentina trabajan conjuntamente para resolver las acusaciones sobre la AMIA” [Salehi, Iran, and Argentina work together to resolve the charges relating to the AMIA], 03/18/2013; “Irán asegura que el acuerdo con Argentina incluye retirar las “notas rojas” de Interpol” [Iran says the agreement with Argentina includes withdrawing the Interpol “red notices”], *La Nación*, 03/18/2013).

This points to the relevance that the matter of the red notices had for the Iranian side, that was also made clear in the words of Minister Salehi, the negotiator of the agreement, who acknowledged the existence of the secret agreements between both countries regarding this matter, that were concealed and denied by the Argentine authorities, and whose completion was halted (as indicated by the evidence) through Interpol’s intervention.

However, and to return to the peculiar nature of this cover-up, it is worth pointing out that the evidence reveals a profound difference of interests between the Argentine and Iranian authorities, that was also brought to light by the following events:

1) Foreign Minister Héctor Timerman’s trip to Aleppo, to secretly initiate the negotiations by offering what Tehran always sought: dropping the charges against its citizens for the greatest terrorist act to take place on Argentine soil (pp. 131,189–131,194; Eliashev, Pepe, “Argentina negocia con Irán dejar de lado la investigación de los atentados” [Argentina is negotiating with Iran to set aside the investigation into the attacks], *Diario Perfil*, 03/26/2011, pp. 130,911–130,913; Eliashev, Pepe, “Polémica en torno a la negociación secreta entre Argentina e Irán” [Controversy over secret negotiations between Argentina and Iran], *Diario Perfil*, 04/02/2011; Levinas, Gabriel, *op. cit.*, pp. 244, 246, & 281).

2) The absolute silence from the Argentine Government during the period of public negotiations, and even after having signed the Memorandum of Understanding, in response to the offensive statements from Iranian officials designed to disparage the Argentine court investigation and/or the legal authorities involved (“Irán volvió a rechazar todas las acusaciones por el atentado a la AMIA” [Iran again rejects all charges relating to the AMIA attack], *La Nación*, 10/30/2012; Paraszcauk, Joanna, “Iran ready to identify AMIA bombing perpetrators,” *Jerusalem Post*, 10/30/2012; Kollmann, Raúl: “Irán volvió a negar su culpabilidad” [Iran again denies responsibility], *Página 12*, 10/31/2012; “Irán ratificó su adhesión plena al memorándum con Argentina” [Iran confirms full adherence to the memorandum with Argentina], *Página 12*, 02/12/2013; “Irán rechazó las acusaciones del fiscal Alberto Nisman al considerarlo sionista” [Iran rejects charges by Prosecutor Alberto Nisman since it deems him to be a Zionist], *La Nación*, 06/03/2013; “El ministerio exteriores de Irán: No le damos importancia a las declaraciones de Nisman” [Iranian Ministry of Foreign Affairs: We attach no importance to Nisman’s claims], IRNA, 06/05/2013; Niebieskikwiat, Natasha, “Irán rechazó, otra vez, su participación en la AMIA” [Iran again denies involvement in the AMIA attack], *Clarín*, 06/19/2013; “Para Irán, la causa AMIA causó amargura en las relaciones entre Irán y Argentina” [For Iran, the AMIA case served to embitter relations between Iran and Argentina], *Jewish News Agency*, 07/16/2013).

3) The excessive praise from the Argentine foreign minister when dealing with a proposal for “collaboration” with the cause by the Iranian Ministry of Foreign Affairs in July of 2011 that, as always occurred with Iran in this cause, never took place (“Irán, dispuesto a cooperar con Argentina por atentado contra AMIA de 1994” [Iran prepared to cooperate with Argentina concerning the 1994 AMIA attack], *El Comunal*, 07/16/2011; “Iran to cooperate over Argentina Jewish Centre bomb,” *BBC News*, 07/17/2011; “Argentina welcomes Iran offer in AMIA bombing probe,” *Tehran Times*, 07/18/2011; “Irán promete ayuda para esclarecer el caso AMIA” [Iran promises help to solve the AMIA cause], *La Nación*, 07/17/2011; Eliashev, Pepe, “Las condiciones que pone Irán para dialogar” [Conditions set by Iran for talks], *Perfil*, 07/23/2011; Ministry of Foreign Affairs and Worship, Press Release No. 336/11, “Respuesta del gobierno argentino ante el anuncio de cooperación del gobierno iraní en la causa AMIA” [Response by the Argentine government to the statement of cooperation from the Iranian government regarding the AMIA cause], 07/17/2011; “AMIA: promesa iraní para el aniversario” [AMIA: Iranian promise on the anniversary], *Ámbito Financiero*, 07/18/2011).

4) The presence of the Argentine delegation at the United Nations General Assembly session during the speeches by the Iranian head of state in September of 2011 and 2012 (“La AMIA reclamó que la delegación argentina abandone la ONU cuando hable el presidente de Irán” [AMIA called for the Argentine delegation to walk out of the United Nations when the president of Iran spoke], *La Prensa*, 09/11/2012; Mindez, Leonardo, “AMIA: con otro gesto oficial se confirmó el giro ante Irán” [AMIA: Another official gesture confirms the about-face with Iran], *Clarín*, 09/23/2011; Levinas, Gabriel, *op. cit.*, pp. 173, 189, 208, 20, & 279).

5) The quick ratification of the agreement by the Argentine Congress, in contrast to the still pending Iranian approval (Sofía Guterman, “Se está haciendo todo lo posible para que Irán salga triunfante de esto” [Everything possible is being done for Iran to come out of this successfully], *Radio JAI*, 02/14/2013; “Sobre el cruce en el debate por el memorándum: Lo de ayer fue miserable” [Regarding the exchange during the debate on the memorandum: What happened yesterday was miserable], *La Razón*, 02/14/2013; Pagni, Carlos, “El kirchnerismo, en el peor de los mundos” [Kirchnerism in the worst of all worlds], *La Nación*, 05/30/2013; “El memorandú con Argentina llega al parlamento iraní” [The memorandum with Argentina reaches the Iranian parliament], *Europa Press*, 03/11/2013; Kollmann, Raúl “Con novedades semana a semana” [News from week to week], *Página 12*, 03/24/2103).

6) Subsequent claims and proposals by the president and the foreign minister when faced with the absence of reliable notifications of the internal ratification of the agreement by Iran, in addition to the public requests to speed up the creation of the commission under the agreement and setting the date for the hearings provide therein (“Timerman estimó que en el próximo mes y medio el parlamento iraní aprobará el acuerdo por la AMIA” [Timerman estimated that the Iranian parliament will approve the AMIA agreement within a month and a half], *Télam*, 04/18/2013; “Cuanto más tarde Irán en aprobar el memorando, más dudas va a generar” [The longer it takes Iran to approve the memorandum, the more doubts it is going to raise], *Ámbito Financiero*, 04/18/2013; “Ultimátum oficial a Irán: Espero que en un mes aprueben el memorándum” [Official ultimatum to Iran: I expect you to approve the memorandum within a month], *Infobae*, 04/18/2013; “Reclaman a Irán el aval al acuerdo” [Demands for Iran’s endorsement of the agreement], *Clarín*, 04/19/2013; “Timerman confía en que Irán firmará el pacto en un mes” [Timerman is confident that Iran will sign the agreement in a month], *La Gaceta*, 04/19/2013; Speech by Cristina Fernández, 68th United Nations General Assembly, September 24, 2013; Ministry of Foreign Affairs and Worship, Press Release No. 279/13, Press

statement read by Minister Timerman in Casa Rosada, November 24, 2013; Dinatale, Martín, “Le negociación con Irán, empantanada por la lista de Interpol” [Negotiations with Iran bogged down by the Interpol list], *La Nación*, 12/08/2013).

7) The preparations made at the cabinet level to initiate the “oil for grain” trade, both desired and promoted by the Argentine authorities, as soon as Iran approves the agreement (Conversations of 05/20/2013; telephone no. 11-3238-4699, File B-1009-2013-05-20-133130-8, CD 31; File B-1009-2013-05-20-111124-8, CD 31; File B-1009-2013-05-20-114842-2, CD 31; File B-1009-2013-05-20-140034-12 CE 31; File B-1009-2013-5-20-143508-24, CD 31; File B-1009-2013-05-20-161759-6, CD 31; of 05/21/2013, telephone no. 11-3238-4699, File 2542, CD 32 and of 05/28/2013, telephone no. 11-3238-4699, File B-1009-2013-05-28-155549-2, CD 39).

8) The “staging” by Argentine diplomatic efforts in September of 2013, attempting to show specific progress in relations with Iran (see point V.b.2).

9) The construction of a false theory with new perpetrators and false evidence to supplant the current legal charges with the purpose of permanently dissociating the accused Iranians from the case (Conversation of 01/27/2013, telephone no. 11-3315-6908, File B-1009-2013-01-27-113208-14, CD 266; Conversation of 06/01/2013, telephone no. 11-3238-4699, File B-1009-2013-06-01-224726-18, CD 43; Conversation of 12/18/2012, telephone no. 11-3315-6908, File B-1009-2012-12-18-183332-8, CD 226; Conversation of 02/14/2013, telephone no. 11-3315-6908, File B-1009-2013-02-14-164341-10, CD 284).

In short, the events substantiated throughout this entire presentation and concisely listed herein clearly demonstrate that, in this case, those individuals carrying out the cover-up have shown themselves to be much more interested than those whose actions were covered up in moving forward towards the final steps of the plan. As we already know, this bears a direct relationship to the fact that it has been the interest in reestablishing trade relations between states and the geopolitical rapprochement with Tehran, as decided by the Argentine authorities

involved in this matter, that has prompted both the rapprochement to carry out the negotiations as well as the definition and implementation of the cover-up plan. The intercepted conversations between the real negotiators from both states establish the truth of this.

b.2 Evidence of the interest in restoring trade relations between states

There is substantial evidence showing that a strong interest underlying the proven criminal actions aimed at guaranteeing immunity was, as already stated, to restore trade relations at the level of the states, as a means of overcoming the serious national energy crisis. In fact, the court-ordered wiretaps have made it possible to understand and prove these facts, given that these matters were dealt with through parallel communication and negotiation channels established with Tehran in order to move forward with the cover-up plan.

First, prior to executing the agreement, when nothing was known about what was being negotiated in Switzerland, Fernando Esteche, a participant in these machinations, a leader of the “Quebracho” group, an historical defender of the Iranian regime and close associate of national governmental officials, stated: “...*the guys want to restore relations...they are going to do it...multidimensionally. I’m telling you, at the government level, at the state level...whatever has to do with restoring relations between both states...*” (Conversation of 12/18/2012, telephone no. 11-3315-6908, File B-1009-2012-12-18-183332-8 CD 226). The participants in this plan were aware of the interests underlying the agreement. In addition, there is proof that local individuals with historic and strong ties to the Islamic Republic of Iran and who, at the same time, maintain close ties to officials of our national government, already understood the interests involved in the agreement that made immunity for the Iranian fugitives feasible.

Second, one of Jorge Khalil's contacts, Iranian businessman Heshmatollah Rahnema, was also aware of the Argentine government's interest in trade with Iran. For this reason he contacted Khalil to let him know of his efforts with the Chamber of Commerce in Tehran, which proposed meeting in Iran with Argentine diplomats to open the way for all Iranian companies to begin doing business with Argentina. This request for rapprochement and meeting by Iranian economic groups would have been unthinkable before the AMIA agreement. There is nothing wrong with trade – quite the contrary – but if enabling such trade involves legal charges being illegally dismantled and immunity being granted to Iranian fugitives, it is a crime.

On this matter, Rahnema said: “...*now I need to see if there is leverage through D’Elía...with the Ministry of Foreign Affairs...with Pésico⁵...with Fernando⁶...because I want to call the Argentine Embassy in Tehran...because the Tehran Chamber of Commerce wants to have a meeting to directly open the way for all private companies...to take him to the Chamber of Commerce in Tehran, the Argentine trade attaché in Tehran... I wanted to take him there, to discuss with the Chamber and the Chamber is very interested that private companies...trade with Argentina is beginning to take off...*” (Conversation of 05/14/2013, telephone no. 11-3238-4699, File B-1009-2013-05-14-125442-12, CD 0025).

Beyond Rahnema's interest regarding trade relations between private companies, Khalil explained that he had conveyed these interests to Luis D’Elía, who had, in turn, conveyed them to Deputy Andrés “el Cuervo” Larroque, who would bring them to the president of the nation. (Conversation of 05/14/2013, telephone no. 11-3238-4699, File B-1009-2013-05-14-131007-12.wav, CD 0025). Khalil explained: “...*I went to speak with D’Elía and I told him...all of the proposals and about*

⁵ In reference to the Undersecretary of Family Farming, Emilio Pésico.

⁶ Alluding to Fernando Esteche.

the Ministry of Foreign Affairs, about the Foreign Ministry too...what it had proposed... And he brought it to “el Cuervo” Larroque...the one from “La Cámpora,” the head of “La Cámpora”... And they were going to talk with Cristina...” (Conversation of 05/14/2013, telephone no. 11-3238-4699, File B-1009-2013-05-14-131007-12.wav, CD 0025).

Third, a few days after Jorge Khalil (the regime’s local contact) returned from Iran, and after several conversations updating Luis D’Elía regarding messages from Tehran, the sequence that took place after May 15, 2013 should be noted, when Khalil was called to communicate urgently with D’Elía who was *“in the Presidency.”* D’Elía put the call on speakerphone and explained that an official was listening to the conversation: *“...I am with a friend, who is listening, whom I will not name...”* Then they talked about the possibility of delegations from both countries meeting in Caracas, in Beirut or somewhere in the Gulf, as proposed by the Iranians, to restore government-to-government trade relations. In Khalil’s words: *“Perfect...if there’s a real interest in getting going on setting up trade relations on a government-to-government basis with government officials in this country, a delegation from there would travel to Caracas or to the Gulf or better still to Beirut...to begin direct relations on an official-to-official basis...”* to which D’Elía replied, and his companion remained silent: *“Good. OK. With what we want...right?”*, to then conclude in agreement (Conversations of 05/15/2013, telephone no. 11-3238-4699, File B-1009-2013-05-15-100907-10, CD 26; File B-1009-2013-05-15-101055-4, CD 26).

Those conversations evidence that to D’Elía, “we” includes certain Argentine government authorities for whom he works, and for Khalil, in the same context, “we” is Iran. Basically, the senior local authorities’ interest in restoring trade between the two countries is obvious. It can be clearly inferred that Jorge “Yussuf” Khalil is conveying Iran’s response to Argentina’s request to negotiate.

Fourth, the evident commercial interest that fueled the immunity plan is confirmed convincingly in the telephone conversations recorded on May 19 and 20, 2013, which account for the meeting between Luis D'Elía and Julio De Vido, Minister of Federal Planning, Public Investment and Services, held by order of Cristina Fernández. Moreover, as presented below, the proposals submitted by Minister De Vido, at the request of the president, were subsequently brought to the attention of the Iranian fugitive Mohsen Rabbani, who, given his political power, indirectly took part in the negotiations with the parties to the cover-up, participating in the cover-up from which he would benefit. As shocking as it is unacceptable.

On May 19, Luis D'Elía spoke with Jorge “Yussuf” Khalil and told him: “*So I spoke with Julio... I am supposed to meet with him tomorrow at 10:00...*” referring to Minister De Vido – who was just “Julio” to D'Elía – to finally explain: “*...and there's an energy crisis here, you know what I mean?...*” (Conversation of 05/19/2013, telephone no. 11-3964-0799, File 51.78404.20130519.225357, CD 80). The next day, the meeting took place between D'Elía and Minister De Vido. The conversation is transcribed below:

D'Elía: *I am here, entering Federal Planning and I am going in to see Julio, OK!*

Khalil: *OK, OK, call me later.*

D'Elía: *I am going to tell him that, OK, yes?*

Khalil: *OK, yes, yes, don't worry.*

(Conversation of 05/20/2013, telephone no. 11-3238-4699, File 3815, CD 31).

After the meeting, D'Elía contacted Khalil again:

D'Elía: *Well, look, I was speaking here with “el quía”⁷*

Khalil: *yes.*

D'Elía: *They are willing to send YPF people with the two of us...*

⁷ Alluding to Minister Julio De Vido.

Khalil: *yes.*

D'Elía: *To do business over there.*

Khalil: *Good.*

D'Elía: *He is very interested in exchanging what they have for grain and meat over there, ok?.*

Khalil: *Good.*

D'Elía: *And...how to say? He has a political problem, they need the memorandum to be approved, OK?*

Khalil: *Of course, that matter is absolutely clear Luis... I told you the other day, did you convey to him what I told you?*

D'Elía: *Yes, I told them 10 days ago and they told me that in 30 days it would be approved.*

Khalil: *No, no, I told you that the memorandum would be approved... I told you, but that they were delaying due to that matter⁸*

D'Elía: *No...no, there was something there... I said what you told me, the incident that occurred.*

Khalil: *Yes.*

D'Elía: *And...the meeting happened because la jefa [the female boss] requested it, huh!*

Khalil: *Good.*

D'Elía: *We are at the highest level.*

Khalil: *that means we are good.*

D'Elía: *Yes, yes, really good...however, if we don't get that memo approved, we will look like idiots there, you know?*

Khalil: *If they don't approve it? they will approve it, they will...*

D'Elía: *Good, but they have to approve it soon, you know*

Khalil: *They are going to approve it Luis, you know how things are in Persia and also the reasoning that doesn't scan, I mean...ummm...De Vido has to know that "Timerman didn't comply with some things," it's that simple, he didn't comply with some things...*

(Conversation of 5/20/2013, telephone no. 11-3238-4699, File B-1009-2013-05-20-111124-8, CD 31).

⁸ Referring to the Interpol red notices that had not been withdrawn.

There are five main revelations that arise from these conversations. 1) Familiarity with De Vido, whom they call by his first name: “Julio.” 2) Interest in sending YPF to negotiate with Iran, to exchange “grain for oil,” that led the highest national authorities to order and execute a cover-up. 3) The need for Iran to approve the Memorandum of Understanding as a condition to start trade. Here lies one of the reasons why such a document was signed and is evidence that the agreement has been a means to enable trade. 4) The meeting between Minister De Vido and D’Elía was requested by “la jefa,” who is the main party interested in proceeding with the cover-up plan since it is the key that unlocks trade. 5) Foreign Minister Timerman’s secret agreement to withdraw the Interpol red notices, his failed efforts to achieve this and the resulting Iranian frustration due to the persistence of the police ‘wanted’ list.

Later that same day, Jorge Khalil informed Iran of the negotiation’s progress. He informed Abdul Karim Paz, sheikh of the “At Tauhid” mosque, religious leader of the Shiite Muslim community and right hand of Mohsen Rabbani, who was in Iran: “...*what Argentina needs is oil, all oil, and all that it’s purchasing... Iran can give it to them in grain, that oil in exchange for grain...*” and he added: “...*Argentina has a great need for oil and Iran has a great need for grain and all that, start the exchange...*” (Conversation of 05/20/2013, telephone no. 11-3238-4699, File B-1009-2013-05-20-133130-8, CD 31). He continued reporting to Iran: “...*look, everything is ready to happen, tell them, to stop busting balls...*” and he stressed: “...*I’m telling you that now the thing is...what the Ministry of Foreign Affairs is asking and De Vido responded: if I have to send the people in charge of YPF to negotiate...they need crude oil...and to start trading...*” (Conversation of 05/20/2013, telephone no. 11-3238-4699, File B-1009-2013-05-20-133130-8, CD 31).

And he summarized: “...*We’ve got the green light here to do business and to send people, the main point is that they want to get on with the memorandum... At first, tell them that what Argentina needs is oil, all oil, and all that it’s purchasing... Iran can give it to them in grain, that oil in exchange for grain...do you understand?...and we spoke with De Vido...that all of this was discussed with De Vido... Argentina has a pressing need for oil and Iran has a pressing need for grain and all of that, start the exchange. That’s on the one hand. On the other hand, De Vido understands that in order to move forward on this, in other words, officially, State to State, it is necessary for the Memorandum to be signed, because if it isn’t, only the private companies will continue...since they are working... So, first sign the memorandum to begin doing it State-to-State, because for now the only ones who are working are the private companies...*” (Conversation of 05/20/2013, telephone no. 11-3238-4699, File B-1009-2013-05-20-133130-8, CD 31).

He also emphasized: “...*there is another more important message today, fresh, that they are willing to send the YPF heads now to Caracas to meet with whoever is responsible...from there...*” and he clarified that both he (Khalil) and Luis D’Elía would travel. (Conversation of 5/20/2013, telephone no. 11-3238-4699, File B-1009-2013-05-20-132253-6, CD 31).

After these reports from Khalil, Abdul Karim Paz – who was in Iran – consulted with local authorities and conveyed the response: “...*here they have been ready forever, the problem is over there mainly...but they are saying to set a date and that there is no problem here, a delegation will go over there to Venezuela and everything can be arranged, there is no problem...that they should set the date whenever they want to go...*” (Conversation of 05/20/2013, telephone no. 11-3238-4699, File B-1009-2013-05-20-140034-12, CD 31).

Then Khalil relayed Tehran’s message to one of Luis D’Elía’s collaborators: “...*I spoke with Baharvand...pass this on to Luis... Baharvand tells me that they are interested, just set a date and they will send a delegation wherever they consider appropriate to begin the*

negotiations, that is, there is no kind of problem... I think the one who will travel is Baha... he will go, not just anyone...is doing the negotiations...” (Conversation of 5/20/2013, telephone no. 11-3238-4699, File B-1009-2013-05-20-143508-24, CD 31).

If that were not enough, all these negotiations ended up in the hands of the accused Mohsen Rabbani. This is how Khalil reported it: “*...today we had a meeting with Minister of Planning De Vido, and he’s willing to send the highest-level executives from YPF to make arrangements with the Islamic Republic, and the transactions can be made through grain and other things...*” to which Rabbani responded: “*Send me the details so I can evaluate them...*” making it completely clear that Rabbani retains decision-making authority within the regime in all matters related to the Argentine Republic (Conversation of 5/20/2013, telephone no. 11-3238-4699, File B-1009-2013-05-20-114842-2, CD 31).

This is inconceivable: high Argentine government officials secretly negotiating with one of those charged in the AMIA cause, who is also the beneficiary of an illegal dismissal in the case based on sophisticated cover-up schemes.

A few days later, Rabbani once again participated in the negotiations asserting: “*I told them that we...um...had talked with Argentina, the truth that...we suffered a lot so that Iran, all the purchases... Iran was Argentina’s top buyer and now it hardly purchases anything,*” and added: “*but that can change...something that is very important here, some government sectors told me that they are ready to sell oil to Argentina, sell tractors...and buy weapons...*” (Conversation of 05/28/13, telephone no. 11-3238-4699, File B-1009-2013-05-28-155549-2, CD 39).

Hard to understand and even harder to accept: top Argentine authorities opened secret negotiations with one of those charged in the AMIA cause, who also plans to “buy weapons.”

Notice the sequence. On July 18, 1994 there was a terrorist attack in Buenos Aires. The courts investigated and determined

that various subjects of Iranian nationality were responsible for devising and planning the attack. To date, those people have been protected by their regime that governs the Islamic Republic of Iran. The national government negotiated an agreement with that country and, ignoring the courts and the National Constitution, provided the required legal framework necessary for those charged to be fraudulently dissociated from the cause addressing the attack and go unpunished. And in that context, one of the fugitives from Argentine justice and a beneficiary of the illegal agreement, Mohsen Rabbani, emboldened by the Argentine government's position, instead of answering for the serious allegations against him, negotiates his immunity, decides the steps to be taken, controls the progress of the criminal plan and also plans to "buy weapons." In other words, in the context of this rapprochement between the parties, which guarantees immunity for the accused, one of the main fugitives decides and negotiates to buy weapons from our country.

This chain of conversations is important because it reveals, on the one hand, that the people who drove the cover-up plan were a group of Argentine officials and their accomplices. It also shows that Iran did not need to approve the Memorandum of Understanding to negotiate. Iran was willing to trade regardless, as expressed by one of its most important official representatives, the former chargé d'affaires in Argentina, Mohsen Baharvand, who stated that they had been "*ready forever*."

This last part is key. From the very beginning the leadership of the Iranian regime knew that for the Argentine authorities accused in this scheme, it was vital to first put forward the Memorandum of Understanding before proceeding with trade. That message had been received perfectly by Tehran.

Meanwhile, Iranian authorities had expressed their longstanding interest in trade. Whether or not the Memorandum of Understanding was approved did not matter to them. There is no circumstantial evidence to support that the matter regarding the AMIA cause was any kind of obstacle for

Tehran to restoring business relationships with Buenos Aires. They only signed the Memorandum of Understanding after having agreed that this would be enough to withdraw the red notices. Their concern was not the charges leveled by the Argentine courts, only that their officials could move without restriction throughout the world.

In fact, prior to these criminal actions, there are historical indications that account for Tehran's ever-present intention to trade with Buenos Aires. For example, in 2007, following a meeting with Manuchehr Nottaki, Iranian Foreign Minister at the time, D'Elía, already an active participant in this network of contacts, announced that Iran wanted to reopen the business relationship with Argentina (Obarrio, Mariano, "D'Elía prometió acercarse más a Irán" [D'Elía promised to become closer with Iran], *La Nación*, 02/28/2007; "Causa AMIA: Para D'Elía, los acusados iraníes van a ser sobreseídos" [AMIA Cause: For D'Elía, the charges against the accused Iranians will be dismissed], *Infobae*, 3/1/2013).

Moreover, once negotiations related to the AMIA cause had been formalized between the two countries, the Iranian president at the time publicly stated: "*I am confident that once the investigations take place in an accurate and impartial manner, we will proceed with the expansion of relations between Iran and Argentina*" ("Ahmadinejad: Iran-Argentina transparent talks over AMIA leads to expansion of ties," *Fars News*, 10/02/2012). Days earlier, at a press conference, he had asserted that he hoped "*to have conversations aimed at finding the truth*" regarding the case. He said: "*Fortunately the Argentines have accepted the proposal. I am hopeful that dialogue between the two foreign ministers will establish the foundation and an agenda to achieve this objective,*" adding: "We want to expand our relations..." ("Ahmadinejad dice que quiere 'expandir las relaciones' con la Argentina" [Ahmadinejad states that he wants to broaden relations with Argentina], *Clarín*, 09/26/2012).

These statements by the Iranian president who was in office at the time, in the context of the negotiations that were taking place, harken back to the rhetoric of discrediting the Argentine court proceedings, about needing to direct the investigation toward a different course and (mainly) about the ever-present interest in trade.

These examples demonstrate that the Islamic Republic of Iran was willing to negotiate without the need to ratify the Memorandum of Understanding because, unlike the Argentine government, it had nothing to explain to its citizens. Hence, its interest in signing this document, as will be shown, was not based on trade between the states but on the withdrawal of the Interpol red notices that were a burden to its officials.

Once again, it is appropriate to clarify that trade with Iran or any state is, in itself, perfectly legitimate. But to grant immunity for a crime against humanity is criminal, regardless of the motive.

To summarize, the evidence demonstrates the existence of a real interest by the leadership of the Argentine government in restoring trade relations with Iran, given the severe national energy crisis, as well as the urgent need to make the charges in the AMIA case disappear by the stroke of a pen in order to advance this purpose. This is, according to the evidence gathered, one of the reasons – perhaps the main reason – for the president to champion the cover-up plan, the investigation of which is being pursued by means of the present complaint in order to try and punish of all whom have taken part.

To clarify once more, this does not question the decision to establish trade relations with foreign powers. It is clear that such decisions are not subject to review by a court. Additionally they are, in essence, legitimate. What is being questioned and alleged herein are the circumstances that have made this situation criminal, that is, the decision to conceal a group of fugitives from the Argentine courts in an international terrorism case as an illegal means to resolve a bilateral conflict that emerged from a court investigation, and thus enable, among other things, trade between the countries.

It is no accident that Argentine authorities conditioned restoration of the long-awaited trade relations with

Iran on certain steps in the execution of the cover-up plan. Cristina Fernández was convinced that without approval of the Memorandum of Understanding, and hence of the cover-up, it would have been very difficult to move forward on trade.

For this reason, as has already been asserted and proven, the path chosen was that of lies, deceit, manipulation and crime. A cover-up plan was plotted and, for the public, it was disguised as diplomatic negotiations and a bilateral treaty. All of this is what prompted this complaint.

b.3) Evidence of geopolitical interest in siding with Iran

Parallel to the interest on the part of Dr. Fernández and her foreign minister in restoring state-to-state trade with Iran to mitigate the severe energy crisis, there was also evidence that accounts for a geopolitical motivation that, according to the evidence, contributed to the decision and implementation of the immunity plan alleged herein.

In this sense, words spoken by “Allan,” who has played a key role in the criminal plan, are substantially revealing, given his connection to the Intelligence Secretariat of the Office of the President and his association with the president’s inner circle, and his active relationship with the local Tehran operator, Jorge Khalil. This individual, who worked as a bridge between different parties to the plan and actively contributed in the concocting the red herring to redirect the investigation, said: “...we’re in a different country, this is a different world situation and we need to work in a different context...” (Conversation of 06/01/2013, telephone no. 11-3238-4699, File B-1009-2013-06-01-224726-18, CD 43).

With those words, he alluded to the existence of a new geopolitical scenario in which it was no longer convenient to uphold enmity with Iran, which is why these operators, as “Allan” called them, needed to “*work in a different context*,” for which he planned the development of “...*a different theory with different evidence*...” that would disorient the undersigned, leaving him

“...with his head up his ass, because he never saw it, the evidence...what is going to come out now...” (Conversation of 06/01/2013, telephone no. 11-3238-4699, File B-1009-2013-06-01-224726-18, CD 43). In the same telephone conversation, “Allan” explained this close connection between the new world situation and the need to redirect the charges to clear Iran definitively and fraudulently.

In November 2012, prior to signing the agreement, the parties discussed the need to *“...create a new AMIA enemy, the new perpetrator of the AMIA...”* and about the role of the intelligence services for that task (Conversation of 12/18/2012, telephone no. 11-3315-6908, File B-1009-2012-12-18-183332-8, CD 226). “Allan’s” words explain that this also originated in a geopolitical repositioning of Argentina.

Once again, it is worth mentioning that the political decisions in response to the nation’s foreign policies are not being analyzed or questioned along these lines. It is only mentioned because, according to the evidence, they reveal that the immunity plan was also fueled by reasons of geopolitical nature. But as mentioned regarding trade interests, it is the decision to grant immunity to the Iranian fugitives, and not a specific international alignment, that is of judicial and criminal importance.

Moreover, it should be noted that beyond the commercial and geopolitical interests listed in the evidence obtained so far, the existence of other alternative and complementary reasons that may have also helped drive the decision and the cover-up scheme set forth herein cannot be ruled out, that may be determined in the course of the investigation being pursued herein.

c) *Memorandum of Understanding*

Having explained the decision and motives of the parties to the cover-up to place spurious and criminal interests over justice and the law, this

section will explain another aspect of the cover-up plan. The Memorandum of Understanding was designed to be the instrument that contributes most effectively to the success of the plan to dissociate from the case and grant immunity to a group charged with the AMIA attack.

Note that this criminal plan is distinguished by its sophistication. This is not about someone who helps a fugitive by hiding them circumstantially in their home to evade the pursuing security forces. Here the decision was made and the immunity of the accused agreed upon, followed by a search for a way to carry it out with apparent legality, to make it seem like a legitimate act in the eyes of Argentine society first, and of the world second, insisting that dialogue was the best mechanism to resolve conflict. The agreement was to be portrayed as an instrument intended to ensure justice, when in fact it was and clearly is intended to ensure the opposite: to obstruct and prevent it. Hence the elaborate sophistication of the crime alleged herein.

The signing of the Memorandum of Understanding between Argentina and Iran was announced on January 27, 2013 in Addis Ababa, Kingdom of Ethiopia. Both the president and Foreign Minister Timmerman portrayed it as an “*historic achievement*” and, as they would go on to repeat *ad nauseam*, stated that it was a tool that would facilitate international cooperation, especially designed to cooperate with the Argentine courts in the AMIA cause.

On that same day, Jorge Khalil, a representative of the Iranian regime in Buenos Aires and personal contact for the fugitive Mohsen Rabbani, celebrated: “...*this agreement...this new relationship...this new phase...*” (Conversation of 01/27/13, telephone no. 11-3315-6908, File B-1009-2013-01-27-112032-4, CD 266).

But if, theoretically, the agreement had been devised to contribute to the needs of the Argentine courts, if – as said afterwards – Tehran agreed and if – as was also said – this would

help bring the fugitives before the lower court: What was Jorge Khalil celebrating, as one of Mohsen Rabbani's most trusted men in Buenos Aires? The investigation of his boss? That the courts finally had a way to force him to appear, after he had avoided doing so for almost a decade by relying on diplomatic immunities and on Iranian soil?

If the agreement's only guiding principle was to obtain investigative statements from the accused, as stated, why were oil deals negotiated secretly? And, in any event, why were negotiations on the matter denied? Why did Minister De Vido meet and speak with Luis D'Elía about this exchange, at the request of President Cristina Fernández, if the only thing that mattered was to assist the courts?

In fact, while they were asserting their intention to contribute to progress in the judicial cause, at the same time, through the back door, in the greatest secrecy, keeping survivors and relatives of the victims in the dark, without anyone knowing anything, they were negotiating with the accused Mohsen Rabbani for oil and weapons!

The day following the execution of the agreement, the person identified as "Allan," a party to this cover-up, who reports to a department of the Intelligence Secretariat and has access to the presidential inner circle, actually called Jorge Khalil and jubilantly said: *"Relax, we've already won; that is, we've won a match. I told you; you didn't have faith in me..."* clearly alluding to the signing of the agreement (Conversation of 01/28/13, telephone no. 11-315-6908, File B-1009-2013-01-28-135732-18.wav, CD 267).

Once again, it is worth considering: Why would the signing of an agreement that would theoretically put his boss, Mohsen Rabbani, before the courts that he had been evading, be a reason for Khalil to relax or be pleased? What part of such a scenario could be considered a success for Khalil? Why does an Argentine intelligence agent like "Allan" share interests with an agent part and parcel of the Iranian regime in Argentina?

The circumstances that will be analyzed throughout this section reveal, precisely, that Khalil had clear motives to rejoice, celebrate

and relax after the signing of the “Memorandum of Understanding,” because it meant that the cover-up plan for Rabbani and all the other accused Iranians was taking shape. And Khalil knew it, he was perfectly aware that the document signed was a simple legal camouflage that gave a legal veneer to a much broader deal, agreed upon beforehand, that benefited his bosses, since it had the ability to clear them definitively of the charges that they were facing for their role in the attack on the AMIA headquarters.

This consideration is relevant since this section will precisely lay out this agreement’s role in a much broader criminal plan, of which it is not the only or the final piece, although it is unquestionably the most visible of all.

Indeed, the vagueness, ambiguity and imprecision of its text has enabled the plan to be imbued with flexibility, allowing for different paths to achieve the cover-up and immunity for the accused Iranians. These provisions included within one single text are versatile enough to allow for alternating or combining them depending on the political needs of those involved in this plan.

Thus, a priori, there are provisions in the text that allow for concealing the role of the accused in different ways: a) causing the withdrawal of the Interpol red notices (point 7); b) ensuring immunity through the agreed upon establishment of an intricate, infinite and complicated procedure that leads nowhere and only dilutes the charges and enables exoneration, an alternative greatly favored by the complete absence of deadlines to indicate the agreement’s implementation; and c) articulating, through the “Truth Commission” created in the agreement, the total exoneration of the accused regarding the AMIA attack, redirecting the investigation towards other perpetrators and theories.

In brief, the document contains many resources and options to proceed with the criminal plan, as required by its authors and

perpetrators, by virtue of the huge number of variables at play in such a sophisticated scheme.

c.1) Withdrawal of the Interpol red notices. Iran's interest

Of the eight accused individuals of Iranian origin named in national and international arrest warrants for the AMIA case, there are five who, as already explained in the introduction, are listed with the highest 'wanted' priority by Interpol (red notices) and, it should be noted, these individuals have significant influence in the Iranian political world.

The evidence gathered suggests that there have been prior negotiations and agreements between the parties regarding the withdrawal of the Interpol red notices. In fact, the information obtained so far leads to the conclusion that withdrawal of the red notices was the Iranian authorities' main interest in this agreement, and Foreign Minister Timerman accepted and contributed to that. He did everything possible to get Interpol to meet this goal. That is, of course, aside from his public statements to the contrary, since supporting the truth in addition to confessing his involvement in the criminal plan would have been incompatible with the demands for justice reflected in this cause. The diligent and yet unexpected (for the parties to the cover-up) attitude of Interpol, specifically that of its Secretary-General, Ronald Noble, prevented it.

The first evidence that justifies such an assertion is the existence of the document described by Mr. José Ricardo "Pepe" Eliashev in his witness testimony. In it, Minister Salehi proposed to President Ahmadinejad that he be authorized to request the revocation of the international arrest warrants supported by Interpol, expressing a special interest in improving the legal status of Ahmad Vahidi, Defense Minister at the time and one of the accused with a valid red notice (pp. 131,189–131,194; Eliashev, Pepe, "Argentina negocia con Irán dejar de lado la investigación de los atentados" [Argentina is negotiating with Iran to set aside the investigation into the attacks], *Diario Perfil*, 03/26/2011, pp.

130,911-130,913; Eliashev, Pepe, “Polémica en torno a la negociación secreta entre Argentina e Irán” [Controversy over secret negotiations between Argentina and Iran], *Diario Perfil*, 4/2/2011).

It is worth remembering that between May 31 and June 1, 2011, Bolivia had received Ahmad Vahidi, Iranian Defense Minister at the time and one of fugitives in the AMIA cause, ignoring the international arrest warrant issued by the Argentine courts and the Interpol red notices. It was the widespread opprobrium sparked by this reception that forced the Bolivian government to expel the Iranian official (“Bolivia echó a Ministro de Defensa iraní acusado por atentado en la Argentina” [Bolivia threw out the Iranian Minister of Defense charged with an attack in Argentina], *Infobae.com*, 5/31/2011; “Evo expulsó a un funcionario iraní” [Evo expelled an Iranian official], *Página 12*, 6/1/2011; “Bolivia pide disculpas a la Argentina y expulsa a Ministro de Defensa iraní” [Bolivia apologizes to Argentina and expels Iranian Defense Minister], *El Mundo*, 6/1/2011).

Under oath, the witness Eliashev asserted that the document he was able to view was “*a report from the Iranian Ministry of Foreign Affairs to President Ahmadinejad, a typical intergovernmental “paper,” in which the individual responsible for foreign relations for that country’s regime suggests to the president that, in the opinion of the Iranian Ministry of Foreign Affairs, it is appropriate to move forward with an important agreement with Argentina because...the conditions necessary for the Argentines to turn the page are present...*” (pp. 131,189–131,194).

As already mentioned when referring to the offers rejected by Néstor Kirchner, the deal with Iran had a precedent, from 2006, drawn up by Fernando Esteche who, along with Jorge Khalil, had it submitted to the authorities of both governments.

A series of telephone conversations recorded by court authorization reflect this: “*...the only thing I know is that it is the same document we put together six years ago and submitted to the people in the embassy in Iran and to the people in the government...*” “*...the same one, dude, they used the same one...like we said it...everything like we wrote it with Fernando six years ago...*” “*...the agreement we put together six years ago with Fernando Esteche, and they called us crazy...when we presented it, the same thing, it’s written down, six, seven years ago, in 2006...they said to us:*

‘you’re crazy, this is based on nothing’...they brought this out today...” “...they said this was impossible, that it could not be done...” “...You know who wrote that to me, that day, that memorandum, who wrote it?...Fernando...” alluding to Esteche (Conversations of 01/27/13, telephone no. 11-3315-6908, File B-1009-2013-01-27-174637-12, CD 266; File B-1009-2013-01-27-112032-4, CD 266; File B-1009-2013-01-27-112552-12, CD 266; File B-1009-2013-01-27-113208-14, CD 266).

At that time, Khalil had explained: *“...we drew up that plan with Fernando Esteche six years ago... when I took it to Baharvand, he said no...”* (Conversation of 01/27/13, telephone no. 11-3315-6908, File B-1009-2013-01-27-113208-14, CD 266). In other words, even though Kirchner had rejected it, it had not been well received in Iran either.

Today we can conclude that the reason for Iran’s rejection could have been that, at that time, INTERPOL had not yet issued the red notices against the Iranian officials and, consequently, the reason that subsequently triggered Tehran’s interest in proceeding with an agreement on the issue did not exist, as has been proven in this submission. Without red notices to deactivate, Iran had no interest in signing any agreement with Argentina.

This means that from the very beginning of these negotiations, the Iranian side was particularly interested in withdrawing the Interpol red notices and the goal of this measure was to benefit the five affected individuals, especially then Minister Vahidi. In fact, the evidence does not reveal any other such concrete interests on the part of Tehran.

Provision seven of the Memorandum of Understanding was the starting point for enabling the withdrawal of the Interpol red notices, that is, the first step to ensure the immunity of the accused.

c.1.a) Point seven, the validity of the red notices and Iran's subsequent lack of interest

The ploy to withdraw the Interpol red notices was subtly worded in the agreement, precisely in point seven, stating: *“This agreement, after being signed, will be submitted jointly by both foreign ministers to the Secretary General of Interpol, in compliance with Interpol’s requirements in connection with this case.”* The text’s lack of detail on the implication of the communicated information that is stipulated by this provision, the effectiveness of which merely requires a signature, the only clause of this sort in the entire agreement, and the lack of required internal ratification, sets it apart from the rest of the agreement, leaving room for arguments aimed at playing down the reasonable immediate suspicion aroused by this section.

Upon learning of the memorandum, both local Jewish community leaders and groups of relatives and victims of the attack, among others, expressed their deep concern about the true implication of this report and its potential lethal impact on the priority ‘wanted’ list kept by Interpol. In this regard, it was alleged that this report was a way of fulfilling nonexistent promises to Interpol. Nothing had been agreed upon nor was there any such promise.

In fact, groups of victims, relatives and community agencies tried to get the Argentine Ministry of Foreign Affairs to draft an addendum to the memorandum of understanding that would specify, among other things, that its signing would not affect the validity of the red notices in any way. As will be shown below, although it was first leaked that this had been agreed upon with Timerman, later the foreign minister denied having promised the relatives and community leaders that he would obtain an addendum to the agreement.

It was clear that numerous Argentine social sectors, guided by conclusions derived from their analyses of this point seven, warned that its implementation might result in the withdrawal of the red notices. The novelty is that evidence confirming that suspicion has been found. It has now been proven that the withdrawal of such notices was precisely

one of the items secretly agreed upon by Foreign Minister Timerman, as this was the main interest of the Iranian side in signing the agreement.

The evidence revealing that the initial expectations of the signatories to the agreement was Interpol's withdrawal of the arrests are the statements by those who participated actively in the negotiations between the Argentine and Iranian authorities, through parallel channels and in secret, and who – naturally – knew about Timerman's secret agreement for the withdrawal of the Interpol red notices.

In February 2013, only a month after the agreement, speaking with the local representative of Iran, Jorge "Yussuf" Khalil, "Allan" confided that at the Intelligence Secretariat it was being said that Interpol was going to withdraw the red notices pending against the accused Iranians. Specifically, he said: *"I've got a bit of gossip...they told me there in 'the house'⁹... that Interpol is going to lift the arrest warrants our friends... which is going to happen now."* Khalil was pleased: *"You don't say! Thank goodness!"* (Conversation of 02/25/13, telephone no. 11-3315-6908, File B-1009-2013-02-25-151137-12, CD 295).

The Iranian chargé d'affaires at the time, Ali Pakdaman, had already notified Khalil, on the same day the agreement with Iran was signed, that there would be even better news. This is how Khalil explained it: *"...I called Pakdaman... I already knew, he told me. It is good news, he told me, and you will get even better news, he said. Recently, recently, a little while ago..."* (Conversation of 01/27/2013, telephone no. 11-3315-6908, File B-1009-2013-01-27-122441-28, CD 266). This helps confirm that withdrawing the red notices was part of the secret negotiations.

In other words, that was the information going around and, as agreed by the Argentines and Iranians implementing the immunity plan, and as reflected in point seven of the text of the memorandum, the withdrawal of the red notices appeared to be a real possibility.

⁹ Alluding to the Intelligence Secretariat.

Meanwhile, Iran's interpretation of point seven of the agreement turns out to be central to an understanding of its true meaning. In that sense, a first bit of circumstantial evidence appeared when the official Iranian news agency (IRNA) published a legal analysis of the agreement by the Iranian expert on international law, Mohammad Hossein Mahdavi, under the headline "*Memorando de Entendimiento firmado entre Irán y Argentina: Gran éxito diplomático*" [Memorandum of Understanding signed between Iran and Argentina: Great diplomatic success].

In this document the legal scholar argues: "*The purpose of the article* (section seven of the memorandum) *was in fact that the two parties would jointly point out to INTERPOL that the differences between the two parties regarding the AMIA case, that led to the appearance of certain people on the red notice list of the organization, had been resolved through mutual cooperation, and therefore, INTERPOL could void this list...*" (Mahdavi, Mohammad Hossein, "*Memorandum of Understanding signed between Iran and Argentina: Great diplomatic success,*" IRNA, 2/7/2013).

This interpretation was indisputably endorsed by the statements of Minister Salehi (a co-signer of the treaty) when, according to his report to news agency IRNA, he said: "*according to the agreement signed by both countries, Interpol (International Police) must remove the charges against the Iranian authorities*" and he criticized Interpol for having asserted that these remained in force (IRNA, "Salehi: Irán y Argentina trabajan conjuntamente para resolver las acusaciones sobre la AMIA" [Salehi: Iran and Argentina work together to resolve allegations about the AMIA], 03/18/2013; "Irán asegura que el acuerdo con Argentina incluye retirar las "notas rojas" de Interpol" [Iran says the agreement with Argentina includes withdrawing the Interpol "red notices], *La Nación*, March 18, 2013; "Tehran insists accord with Argentina includes Interpol lifting red notices against Iranian suspects," *Mercopress*, 03/19/2013).

As clearly explained by the Iranian foreign minister, the expectation was that even prior to coming into force, the agreement would serve to withdraw the Interpol red notices. If these were lifted, nothing would truly bring the suspects before the Argentine courts. Because even though the red notices have not been able to force the accused Iranians to appear before the Argentine judge, these clearly

stood as the only element that hindered the international mobility of several of the accused, impeding the complete immunity with which they have conducted themselves so far.

In that regard, it is worth noting that on several occasions this Prosecutorial Investigation Unit has gained knowledge of trips abroad by the accused, occasions in which they risked being arrested under international arrest warrants and valid red notices. Just last May, representatives of the Republic of Korea inquired about the implications of possibly inviting the accused Mohsen Rezai to visit that country, of which the undersigned immediately informed Interpol so that if the visit occurs, the pending international arrest warrant with a red notice for the aforementioned is in effect (Official Correspondence from the Ministry of Foreign Affairs and Worship of 05/09/2014, Memo No. 5572/14; Official Correspondence to the Head of the Interpol Department of the Argentine Federal Police on 05/12/2014).

The evidence gathered demonstrates that Salehi and Timerman had agreed that the red notices would be withdrawn merely by signing the memorandum of understanding. Therefore, article seven (referring to the report to Interpol) was the only one with operational consequences. It was the only one that could and should be implemented immediately. The remaining sections of the agreement require ratification by both parties, an exchange of diplomatic notes and the validity of the treaty in order to be implemented.

Reporting the execution of an agreement to an agency such as Interpol, which is dedicated exclusively to police matters and does not interfere or have any kind of interest in treaties or agreements between its member states, had as its sole purpose the withdrawal of the red notices on the Iranian fugitives.

The fact of the matter is that the criminal intent to make immunity feasible for the five accused individuals on the police priority ‘wanted’ list for the AMIA case encountered an unexpected obstacle. On March 15 2013, the International Criminal Police Organization

(Interpol) sent Foreign Minister Timerman a letter signed by Jöel Sollier, the organization's legal counsel, stating in reference to the memorandum of understanding: "...*the Office of Legal Affairs of the INTERPOL General Secretariat considers that this agreement does not imply any change in the status of the red notices issued in connection with the crimes investigated in the AMIA cause...*" (Memo No. LA/35678-47/3.1/EGI/tsa, Office of Legal Counsel, General Secretariat, International Criminal Police Organization, 03/15/2013).

Immediately afterwards, in May 2013, the Argentine foreign minister met with the Secretary General of Interpol, Mr. Ronald Noble, in Lyon, France. The Ministry of Foreign Affairs and Worship issued a statement confirming: "...*During the meeting, Secretary General Noble reaffirmed the terms expressed by the Interpol's Legal Counsel in the March 15 letter, in the sense that the Memorandum of Understanding with Iran does not affect in any way the status of the red notices issued by Interpol at the request of Argentina...*" (Press Release no. 122/13 dated 05/30/2013). Meanwhile, Interpol confirmed the same information in an official statement (Interpol, "Argentine foreign minister's visit to Interpol focused on collaboration with international police," 05/30/2013).

In fact, the delay and reluctance by the Iranian government to ratify the memorandum was a response to Foreign Minister Timerman's inability to fulfill the secret promise made regarding the Interpol red notices that should have been withdrawn and were not.

This explains an undeniable fact: Iran's backpedaling. From the moment that Interpol announced that the notices would not be withdrawn, Iran suspended the internal ratification process of the agreement, withdrawing it from parliament where it was one of the topics to be discussed, postponing its implementation indefinitely (Pagni, Carlos, "El kirchnerismo, en el peor de los mundos" [Kirchnerism in the worst of all worlds], *La Nación*, 05/30/2013; "Timerman estimó que en el próximo mes y medio el parlamento iraní aprobará el acuerdo por la AMIA" [Timerman estimated that the Iranian parliament will approve the AMIA agreement within a month and a half], *Télam*, 4/18/13; "Ultimátum oficial a Irán: Espero que en un mes aprueben el memorándum" [Official ultimatum to

Iran: I expect you to approve the memorandum within a month], *Infobae*, 4/18/2013; “Reclaman a Irán el aval al acuerdo” [Demands for Iran’s endorsement of the agreement], *Clarín*, 04/19/2013).

Nonetheless, to date, the Argentine authorities involved in this matter have tried to remedy this setback and have sought to persuade Iran to speed up its internal process in order to support the ongoing cover-up plan.

In this context, in April 2013, Timerman said: “*I expect that in the next month, month and a half, it is already approved...the longer it takes them, the more questions there will be about their intentions. We did our part and we are waiting for Iran to do its part*” (“Timerman estimó que en el próximo mes y medio el parlamento iraní aprobará el acuerdo por la AMIA” [Timerman estimated that the Iranian parliament will approve the AMIA agreement within a month and a half], *Télam*, 04/18/13; “Cuánto más tarde Irán en aprobar el memorando, más dudas va a generar” [The longer Iran takes to approve the memorandum, the more questions it will raise], *Ámbito Financiero*, 04/18/2013; “Ultimátum oficial a Irán: Espero que en un mes aprueben el memorándum” [Official ultimatum to Iran: I expect you to approve the memorandum within a month], *Infobae*, 04/18/2013; “Reclaman a Irán el aval al acuerdo” [Demands for Iran’s endorsement of the agreement], *Clarín*, 19/04/2013). At that time, the foreign minister explained that the Iranian parliament would return from its congressional recess and then its priority would be to process the annual budget and “*then there’s the treaty with Argentina*” (“Timerman confía en que Irán firmará el pacto en un mes” [Timerman is confident that Iran will sign the agreement in a month], *La Gaceta*, 04/19/2013). That month, month and a half, was over more than a year ago.

Over the course of the months and, especially, after Interpol’s announcement that the red notices would remain in force, Tehran explained that the Argentine foreign minister had been prevented from fulfilling what was promised for reasons beyond his control. And he let this be known, conveying his discontent.

Jorge “Yussuf” Khalil, the day after he returned from the Islamic Republic of Iran, and after meeting “*with the highest authorities...with the responsible bosses...with the Foreign Ministry...*” (Conversation of 05/11/2013, telephone no. 11-3238-4699, File B-1009-2013-05-11-173407-12, CD 0022), clearly conveyed to the Argentine officials’ parallel

liaison, Luis D'Elía, Iran's disappointment with the unfulfilled commitment. He stated:

Khalil: *Let's get together, because we have some work to do.*

D'Elía: *Oh fine, fine, OK, OK, OK...dude, why all of this delay?*

Khalil: *Weeeelll...there is a little...this is between us, there is a bit of uneasiness from there, from there, I don't know why, there is uneasiness.*

D'Elía: *Uneasiness?!*

Khalil: *Uneasiness, yes, yes, yes. There were words that were not liked um, I think...*

D'Elía: *Aha.*

Khalil: *I think that fucking Russian¹⁰ screwed up.*

D'Elía: *Really?*

Khalil: *Yes, yes.*

D'Elía: *What did he say?*

Khalil: *No...something was signed, including the matter of the preventive measures,¹¹ but let's talk about it in person.*

D'Elía: *Well, OK, OK, OK.*

(Conversation of 5/11/2013, telephone no. 11-3238-4699, File B-1009-2013-05-11-083146-8.wav, CD 0022).

Khalil's words hint that, in addition to the Memorandum of Understanding, another document had been signed, a private and confidential document in this case, that included the subject of the Interpol red notices.

This gains greater credibility if combined with statements by Iranian Foreign Minister Salehi, who said in March 2013: *"The [content] of the agreement between Iran and Argentina in connection with the AMIA incident, will be made public at the right time, and the matter [of the accused Iranians] is a part of it and we are following it..."* ("Tehran insists accord with Argentina includes Interpol

¹⁰ Alluding to Héctor Timerman.

¹¹ Referring to the red notices.

lifting the red notices against Iranian suspects,” *Mercopress*, 03/19/2013). Having made this statement in March 2013, i.e., two months after signing of the Memorandum of Understanding, it is clear that Salehi was speaking of another agreement, an agreement that in March 2013 had not yet been given to the public and that included the red notices on the accused Iranians that, as stated previously, should have been withdrawn. In other words, once the possibility of moving forward with Timerman’s commitment was cut short, Salehi acknowledged the existence of a secret agreement on the matter. He did not hesitate to expose Timerman when he felt betrayed.

Four days after the conversation in which Khalil told D’Elía about Tehran’s “unleasiness” because Timerman “screwed up,” they asked Khalil to contact D’Elía urgently, who was “*in the Presidency*.” D’Elía put the call on speakerphone and stated that an official was listening to the conversation: “...*I am with a friend, who is listening, whom I will not name...*”. In that conversation, Khalil noted: “...*Yes, that is important, that you relate that as well. Those two messages that...that were upsetting. And one way or another they are damaging the relationship...*” (Conversations of 05/15/2013, telephone no. 11-3238-4699, File B-1009-2013-05-15-100907-10, CD 26; File B-1009-2013-05-15-101055-4, CD 26).

Then, on May 20 and as a result of the meeting between D’Elía and Minister Julio De Vido, Khalil got back on the subject when he reaffirmed to D’Elía: “...*De Vido has to know that Timerman didn’t comply with some things, this is that simple, he didn’t comply with some things...*” (Conversation of 5/20/2013, telephone no. 11-3238-4699, File B-1009-2013-05-20-111124-8, CD 31). And the next day, on the same topic, D’Elía repeated “...*he said he would speak with number one and call me back...*” obviously alluding to Dr. Fernández (Conversation of 05/21/2013, telephone no. 11-3238-4699, File 2542, CD 32). The message of

“uneasiness” over the failure to comply regarding the red notices had arrived to Tehran and to Casa Rosada.

This matter continued to be a subject several months later, when Khalil mentioned once again that there was no “foot-dragging” on Iran’s side regarding the internal ratification of the agreement (Conversation of 02/24/2014, telephone no. 11-3238-4699, File B-1009-2014-02-24-171304-2, CD 311).

However, given the importance of the incomplete commitment, Iran’s reaction was misleading, since they said that they had approved the agreement via an alternative route, without no formal statement whatsoever and without generating any legal effect. Still, the Iranians cleverly acted as if it had been ratified. In fact, on May 20, 2013 the Iranian chargé d’affaires in Argentina at the time, Ali Pakdaman, said on a radio interview that his country had ratified the memorandum of understanding. The agreement had been approved by the president of Iran at the time, Mahmoud Ahmadinejad, on the previous day, without any parliamentary process (“Teherán aprobó el memorándum por el atentado a la AMIA” [Tehran approved the memorandum for AMIA attack], *Página 12*, 05/20/2013; Kollmann, Raúl, “Ahmadinejad eligió la vía expeditiva” [Ahmadinejad opts for the fast track], *Página 12*, 05/21/2013).

In this context, Khalil told D’Elía: *“I told you, dude, that it would be approved, to relax...”* and he claimed: *“...this government should make some gestures, Luis, we are already tiered of making gestures, this government has to start making gestures...”* (Conversation of 05/20/13, telephone no. 11-3238-4699, File B-1009-2013-05-20-12255-14, CD 31). The gestures that Khalil was referring to were the withdrawal of the red notices, Iran’s main goal, promised by Timerman and never settled due to the Interpol’s actions. In response, the Argentine government “spokesperson,” Luis D’Elía, said, *“...but there is a nuance here, that will generate commotion... Ahmadinejad approved it, the Iranian congress didn’t approve it...”* (Conversation of 05/20/13, telephone no. 11-3238-4699, File B-1009-2013-05-20-130940-28, CD 31).

In June of that same year it was leaked that in the next few days Iran would announce the agreement’s

approval and there would be a joint presentation by both countries to report on next steps (Dinatale, Martin, “Negó Irán la denuncia del fiscal Nisman y lo acusó de sionista” [Iran rejects complaint issued by Prosecutor Nisman and accuses him of being a Zionist], *La Nación*, 06/04/2013).

Despite Iran’s reluctance, Argentine authorities continued striving to have the agreement ratified, given the interest by several of its senior officials in proceeding with the criminal plan. The president’s words during her speech at the opening session of the 68th United Nations General Assembly on September 24, 2013, should be interpreted along these lines, when she claimed that a reasonable amount of time had already gone by, that Argentina had already approved the agreement and that now it was Iran’s turn. In her words: “...*Now we are hoping to hear that the agreement has been approved, when it will be approved in case it hasn’t and, additionally, we could have the commission’s date of creation, also a date the Argentine judge could go to Tehran...so as to not confuse...our patience with naivety or stupidity*” (Speech by Cristina Fernández to the 68th United Nations General Assembly, September 24, 2013).

This vivid complaint led to a meeting between the foreign ministers held on September 28, 2013, at the New York headquarters of the United Nations, that – as determined afterward and as will be shown further on – was an unacceptable “staging” set to motion by the president and her foreign minister.

Without news of the much-touted ratification, at meetings held in Zurich on November 20 and 21, 2013, Minister Timerman stated that he had presented a new proposal to the Iranian representatives, in the framework of the cover-up agreement, by which he sought to move forward with the matter of [obtaining] statements from the accused (Ministry of Foreign Affairs and Worship, Press Release no. 279/13, Press statement read by Foreign Minister Timerman at Casa Rosada, November 24, 2013). According to the foreign minister himself, Argentine officials had gathered, “...*to negotiate the compliance periods for every section of the Memorandum of Understanding between the*

Islamic Republic of Iran and the Argentine Republic to smooth the way for justice in the decision of the AMIA attack...”

At that meeting, “...*the Argentine Republic presented the Iranian delegation with a proposal that would allow the Memorandum’s term to expire 12 months after the establishment of the Committee of Experts and includes guarantees and immunities that would allow the Argentine Judge of the AMIA Cause to perform investigations in the city of Tehran. The Iranian officials promised to provide a quick response to Argentina’s proposal...*” although they said nothing about it (Ministry of Foreign Affairs and Worship, Press Release no. 279/13, Press statement read by Foreign Minister Timerman at Casa Rosada, November 24, 2013).

It was also reported that: “...*Timerman allegedly reaffirmed to Zarif that the interpretation about the validity of the accused’s arrest warrants was not Argentina’s, but Interpol’s...*” (Dinatale, Martin, “La negociación con Irán, empantanada por la lista de Interpol” [Negotiations with Iran bogged down over Interpol list], *La Nación*, 12/08/2013). As a kind of apology that hints at something already proven herein: the enduring validity of the red notices is a setback, since there was a commitment to have them withdrawn.

Meanwhile, also in November of that year, Timerman continued trying to remedy the unexpected survival of the red notices. He met again with Noble, and informed him about the ongoing negotiations between both countries regarding the memorandum (Interpol, Press Release: “La seguridad mundial, eje de la visita a INTERPOL del Ministro argentino de Asuntos Exteriores” [Global security, main purpose of Argentine foreign minister’s visit to INTERPOL], Lyon, France, 11/26/2013). The purpose was clear: with his visit, Timerman was trying to convince Ronald Noble that the dispute with Iran regarding the AMIA case had now taken a new course, in the form of the Memorandum of Understanding, so that he would give in and order the withdrawal of the red notices.

In January 2014, days before the one-year anniversary of the signing the agreement with Iran, San Martín Palace issued a statement regarding the

agreement entered into by third party countries regarding Iran's nuclear development and asserted: *"The AMIA Cause has gone on for 19 years without being able to resolve it and punish those responsible: that is why in the same spirit that a negotiation about Iran's nuclear program is being carried out, the Argentine Government hopes to resolve with the Islamic Republic of Iran the outstanding issues that would allow national judicial authorities to proceed with the necessary procedural steps to find the truth and bring justice to the AMIA Cause."* (Ministry of Foreign Affairs and Worship, Press Release no. 006/14, "La Argentina celebra nuevo acuerdo diplomático entre los P5+1 e Irán" [Argentina celebrates new diplomatic agreement between the G5+1 and Iran], January 13, 2014).

Indeed, Iran's approval was never given. Again, the validity of the red notices, after having agreed the contrary, prevailed in decision making. To be specific, to date, the diplomatic notes have not been exchanged and, consequently, the treaty has not entered into force (Ministry of Foreign Affairs and Worship, Press Release no. 110/13 dated 05/21/2013).

It is clear that Timerman's obligation, by order of the president, was to manage the withdrawal of the Interpol red notices, as that was Iran's main interest in signing the agreement. Adherence to the law by the international police organization thwarted this main goal of the perpetrators' criminal mission in this terrible immunity plan. After some time, aware that it would be impossible to sweep away the red notices, Timerman let his counterpart know that failure in that matter had not been his fault and that despite all his efforts, the red notices were not withdrawn. This did not mean dismantling the immunity plan.

Beyond a doubt, Tehran's interest was focused on the withdrawal of the Interpol red notices. Nevertheless, three issues should be clear. First, this setback does not mean that Iran's interest in the agreement has disappeared completely. Second, to establish the existence of

the cover-up alleged herein, Iran's interest or bias is irrelevant to the scheme developed by the Argentine perpetrators and their accomplices. That is because establishing the elements of this crime does not require the consent of or even awareness by the individual whose role is being covered up. Third, this setback does not imply dismantling the cover-up carried out by senior Argentine government officials and other parties, activated by the agreement and that will be explained in detail in the following section.

In short, the existence of this secret commitment and its thwarted fulfillment explains Iran's backpedaling in relation to the plan's first objective alleged herein and the distrust that it must have generated between the parties to the cover-up and the parties whose role was covered up.

c.1.b) Point five of the Memorandum of Understanding

On the topic of the withdrawal of the Interpol red notices, there is one last point to analyze. As already mentioned, the memorandum of understanding has several mechanisms or resources, embodied in its text, to carry out the various steps agreed to under the cover-up plan. As was mentioned, this equips the plan with flexibility and adaptability to different scenarios, given the huge amount of impossible variables to be controlled by the perpetrators and parties to the cover-up. Thanks to this feature, the cessation of the Interpol red notices, the main interest of the Iranian side, can still be implemented following the wording of the memorandum, though not so directly and simply as provided in article seven.

In that respect, it is still possible to achieve said goal, but – this time – through point five of the agreement, that is, within the framework of the hearings to be held in Tehran, in which the “Truth Commission” created by this treaty would interview the five accused Iranians with Interpol red notices, in the presence

of Iranian and Argentine judicial authorities and representatives of both states.

Note that of the eight accused Iranians whose investigative statements have been ordered for the case, point five of the agreement that governs the “Tehran Hearings,” only included the accused with Interpol red notices, the withdrawal of which – according to the evidence – was essential for Iran and was thus agreed upon. There is no plausible explanation for why the Argentine authorities accepted to plan hearings only for those whose red notices could be withdrawn, leaving aside the remaining accused Iranians with outstanding arrest warrants, ordered by Federal Judge Dr. Rodolfo Canicoba Corral.

Thus, the way point five of the memorandum has been drafted shows that the accused without Interpol red notices (Rafsanjani, Velayati and Soleimanpour) have no incentive to appear in court. The agreement preserves the de facto immunity that they currently enjoy and the commission’s actions could guarantee this for them forever.

On the other hand, the accused with red notices (Fallahijan, Vahidi, Rezai, Rabbani and Asghari) may be brought before an Iranian judge, members of the Commission and the Argentine judge, without thereby submitting to [Argentine] national criminal proceedings.

If there had been any willingness to subject all of the accused Iranians to the action of the Argentine justice system, as argued to justify the agreement before the public, all of the accused would have been included and true investigative statements would have been agreed to for all of the accused pursuant to Argentine law, not merely interviews only for those with Interpol red notices.

On the topic, it is important to highlight the true essence of these “hearings” and their possible implications. First, it should be noted that in the parliamentary debate for the agreement’s approval, Foreign Minister Timerman asserted that the accused’s appearance before this

heterogeneous group of political and judicial figures is equivalent to appearing before judicial authorities in the context of ongoing criminal proceedings. In his words: *“The memorandum establishes that the Argentine judicial authorities will proceed to examine those people for which Interpol has issued a red notice for arrest. This provision strictly follows national criminal procedural law governing the admissibility of an investigative statement by the accused...”* (Transcript of the Plenary Session of the Committees in the National Senate, February 13, 2013). He had already stated this for the media several days earlier, when he said: *“The fact is that the Iranian suspects will be tried and subjected to investigation pursuant to Argentine law, before an Argentine judge and an Argentine prosecutor”* (Kollmann, Raul, “Los iraníes se someterán a la ley argentina” [The Iranians will submit to Argentine law], *Página 12*, 01/30/2013).

It should be noted, even if it is redundant, that the agreement in no way shows that this examination would be conducted by the Argentine judicial authorities; nor does the document include explicit references to enforcement of Argentine procedural law in that act, much less does it enable the judge to detain the accused at his disposal, if deemed necessary, as provided by Argentine law. First, the charge must be supported by an Iranian judge according to Iranian law, which clashes with what the Tehran regime expressed publicly, having ascertained the innocence of all its citizens.

Furthermore, not all the “Iranian suspects” would be on the witness stand, as the foreign minister pointed out, instead the agreement provides for, as already indicated, the examination of only five of the eight accused Iranians. Needless to say, this refers to a purely judicial activity that the agreement unlawfully delegates to the “Truth Commission,” whose conclusions – per the evidence – had already been agreed to in advance.

But, returning to the analysis, one could argue that – in principle – once the aforementioned accused appear before the Iranian judge, the members of the “Truth Commission” and the Argentine judge, there are no longer any legal reasons for Argentina to require that the accused remain on Interpol’s most wanted list since, based on this logic, they would already be appearing in proceedings against them. Without further ado, this would cause the withdrawal of the red notices, although the judge never had concrete possibilities to examine and detain them if deemed necessary. Another ploy to obtain the immunity of the accused.

Indeed, as the agreement has not guaranteed in any way that the judge can proceed with the accused’s arrest, if he decides to indict and detain them pending trial after the alleged “investigation,” the trap is activated: having appeared before the “Truth Commission,” the Interpol red notices are withdrawn, but there is no way to try the accused, who are now freer than before without any restrictions on their mobility, leaving justice hogtied.

However, it is worth noting that the Tehran hearings provided for in the memorandum itself are far from what is considered an investigative statement by the accused pursuant to current procedural law (art. 294 and related articles of the Code of Criminal Procedure) and can only be understood – according to the treaty’s wording – as a simple interview before the commissioners, in the presence of judicial authorities and representatives of both countries.

As already stated, in the scenario described by the treaty, the Argentine judiciary is fully restricted in its legally established powers. The agreement does not provide that the Argentine judge may order the appearance of the accused by means of police force, or that he may conduct said examination, pursuant to the rights guaranteed under Iranian law, which – additionally – makes it impossible to order an appearance, essentially before a foreign judge (point eight). Furthermore, in accordance with the treaty, the judge cannot order their detention – if

deemed appropriate – and/or their transfer to our country. The document does not warrant the enforcement of Argentine law in its execution; on the contrary, it appears that the applicable laws – for jurisdictional reasons – would be those of Iran.

Consequently, it is completely false to claim that the accused would face justice by just having an interview with the commission, as stipulated in point five. However, the breadth and vagueness of the instrument and its multiple possible interpretations would necessarily open a debate, running a strong risk that the discussion would take place with the red notices already having been withdrawn, i.e., with the cover-up more advanced. As can be seen, everything is structured for immunity, with several possible alternatives to achieve that goal.

c.2) Immunity as a result of the inability to implement the treaty's provisions

As previously stated, among the mechanisms stipulated in the agreement to ensure the immunity of the Iranian fugitives, there is a route that relies on the inability to implement its provisions, through obstacles based on complicated proceedings that lead nowhere and only dilute the charges and make exoneration viable, which is favored by an endless succession of steps to be defined and the complete absence of deadlines to indicate the agreement's implementation.

To be exact, the memorandum does not stipulate any deadline. No deadlines were established to create the commission, or to issue its procedural rules, or for the delivery of evidence and information, or for the preparation of the report, or for conducting the Tehran hearings. None. Nothing in this agreement has a deadline. And why is that? Because the only thing that matters is what allows them to favor and conceal the accused, guaranteeing their immunity. Thus, the agreement does not guarantee either substantive or procedural law, and only guarantees immunity.

In fact, in the November 2013 proposal, Foreign Minister Timerman said that he was looking to establish a period of one year for “...*the memorandum’s term to expire...*” However, in the facts, he stipulated that said period would begin after the creation of the commission, which made a specific deadline dependent on an uncertain condition or circumstance that did not have a deadline to govern it. As good as nothing at all. It was a new attempt to hide the plan’s immunity mechanisms. Furthermore, needless to say, to date Iran has not responded to the alleged proposal (Ministry of Foreign Affairs and Worship, Press Release no. 279/13, “Declaración de prensa leída por el canciller Timerman en Casa Rosada el domingo 24 de noviembre a las 21 horas” [Press statement read by Foreign Minister Timerman at Casa Rosada on November 24 at 9:00 pm], 11/24/2013).

In short, this omission of the time periods and the intricacy of the anticipated proceedings, are also a safe passage to immunity, since they enable the claim that there was an agreement between the parties and therefore makes it politically viable to restore full relations between the two states, without really solving the AMIA issue.

c.3) *The “Truth Commission” and the fabrication of an alternate theory to dissociate the Iranians from the AMIA cause.*

The unfolding criminal plan is intended to cover up the role of the accused Iranians in the AMIA cause, help shield them from the action of the Argentine justice system, clear them of the court charges against them, and thereby guarantee their immunity and close all investigations about them definitively.

This criminal scheme was motivated by certain Argentine officials’ interest in approaching Iran geopolitically and restoring State-to-State trade relations. To this end it was agreed, by means of obviously criminal conduct, to remove the impediment that has obstructed the bilateral relationship for years, i.e. the pending legal matter of the AMIA cause.

This section will present the evidence showing that according to the memorandum of understanding signed with Iran, the “Truth Commission” is one of the most suitable ways to enable the exoneration of the Iranians accused in the AMIA attack, notwithstanding their true role in the incident, allowing the fulfillment of the cover-up scheme alleged herein.

Similarly, evidence will be listed showing that as part of the scheme, perpetrators and accomplices had planned and proceeded with fabricating an alternate charging theory, false yet plausible, with “new” fraudulent evidence to illegally redirect the investigation toward other suspects and thus clear the Iranian nationals definitively of any connection with the attack, thereby deceiving family members, victims, justice and society as a whole.

c.3.a) The “Truth Commission” and its true role in the plan

The scheme conceived in the agreement enables access to the tools to proceed toward this objective that, as noted, is much broader and more important than the mere cessation of the validity of the Interpol red notices.

Thus, the Memorandum of Understanding, and mainly the points stipulating the creation, structure, powers and duties of the “Truth Commission” (1-5 and 8), are worded so as to enable: 1) delegitimizing the investigation conducted before national courts, 2) undermining the authority of the officials involved in it, 3) misrepresenting the evidence and conclusions, 4) discrediting the charges against the current accused and 5) redirecting the investigation toward new offenders, as was always requested by Iran and was now criminally granted by certain Argentine authorities, in an about-face from what was sustained by Néstor Carlos Kirchner’s administration and part of Cristina Fernández’s administration.

These actions, regardless of whether they were carried out individually or jointly, were intended to create safe passage to cover up the roles of the accused definitively, allowing them to evade the action of courts, to guarantee their immunity and to not be investigated further.

As already said, in the breadth of its wording, the agreement retains a degree of subtlety, so that the underlying criminal objectives do not surface grotesquely before the world. With that point of reference, the decision was that the commission's findings were not strictly binding, as this would have been too visible. But the facts make it seem as if they were, since the governments promised to limiting "their future actions" to the findings and recommendations of the new commission that, as its name suggests, would get to the bottom of "the truth." This forces the Argentine Government and its different agencies to comply with said ruling.

The commission may, as allowed by the agreement, fraudulently discredit the evidence obtained in the court case and/or incorporate information or evidence that may be false or illegitimate and therefore redirect the investigation or create suspicion and mistrust for the introduction of the "new theories" of the AMIA explosion, whose main characters will be "new suspects" who, in light of the committee ruling, will end up being the "real perpetrators" of the attack.

In this legitimizing-delegitimizing role, the committee has the ability to sidestep the judicial proceedings, dismantling the charges, without a review mechanism for its ruling that, once announced, and although subsequently challenged in other aspects, would have already generated an irreversible delegitimizing effect. Note that its mere creation is an evident disqualification of the Argentine justice system that, in light of the agreement, seems to require foreign support to advance its requirements and proceedings.

All in all, the text of the agreement contains an instrument with the institutional capacity to achieve the cover-up alleged herein: the “Truth Commission.”

Having fully analyzed the wording, spirit and scope of the Memorandum of Understanding, the following questions arise: Why not stipulate that the Argentine judge could obtain investigative statements lawfully, pursuant to Argentine law? Why, if it was said that the Iranians had accepted Argentine jurisdiction and would testify before our judge, was it not in writing in the agreement? Why weren’t their judicial powers protected to order their appearance by force in the event the accused were reluctant and/or for their subsequent arrest if needed? Why agree that the hearings would be held in Tehran, where Iranian law prevails and where the prosecutor in the cause has an outstanding arrest warrant for – precisely – charging Iranian officials? Why say that the agreement is compatible with Argentine law when its enforcement involves setting aside current legislation, the only warranty that protects the criminal process from future nullification? Why were there no deadlines, yet the report to Interpol was prepared even before the treaty was ratified and in force? Why, if Iran says it has evidence in this case, did the agreement not require bringing it before the Argentine justice system? Why was a commission established with the power to delegitimize the proceedings of the Argentine justice system and why was it called a “truth” commission? Why agree that the Argentine justice system would be examined and judged by an extrajudicial entity with illegal judicial powers? Why did the Executive Branch proceed with the investigation of an ongoing criminal cause, and not hesitate to violate the republican principle of government and the explicit prohibition of art. 109 of the National Constitution? Why continue lying and saying that negotiations began in September 2012, even when the Iranian authorities had no legal restrictions or state secrets to prevent them from recognizing that these had begun long before? Why fail to meet the promise to inform victims and

family members about the progress of the negotiations before reaching any agreement? Why ignore the overwhelming rejection of the memorandum generated within institutions affected by the attack and – and mainly – among several groups of relatives and victims who voiced their disagreement? And there could be many more questions.

All of these whys have a single answer, and it is simple and institutionally awful: this agreement conceals a criminal plan aimed at granting immunity to all the accused Iranians, creating entities that can completely delegitimize the Argentine justice system's charges against them. Simply through its wording, the memorandum has the potential to delegitimize the Argentine justice system's conclusions after having lawfully followed the evidence gathered. The text agreed to call "truth" what would be produced by a body created by political authorities and illegally anointed with judicial powers.

This, in itself extremely serious, is tinged with scandal when learning of the details of the negotiations that the parties expressed openly in their conversations, which will be detailed in the following section.

c.3.b) New theory, new suspects and new evidence: the path to immunity.

The criminal plan ordered by Cristina Fernández, and mainly implemented by Héctor Timerman, to release the accused Iranians from the charges issued and endorsed by the Argentine justice system, planned not only to exonerate current fugitives from the cause, but also to get other made-up perpetrators to take their place, to close the cycle of impunity at any cost.

That way, the creation of a new criminal theory to explain the attack from a different perspective and redirect the investigation toward.

“new perpetrators,” proved to be a fundamental and extremely useful piece in the cover-up.

Note that redirecting the investigation toward new perpetrators has always been the solution that the Islamic Republic of Iran has suggested and requested. Desisting from charging their citizens and directing the investigation to find, in their terms, the “real perpetrators.”

The Argentine officials and accomplices involved in the cover-up scheme were willing to accept this approach, but among themselves they recognized the truth: that it was not a matter of finding the “real” perpetrators but of fabricating a new theory, obtaining evidence that would render it credible and charging innocent third parties even though the responsibility, as shown by the legal evidence, lay with those who are currently charged. Just as you have read it. The accused accepted and made their contribution to accomplish this scandalous goal, looking to empty of content the judicial charges for our country’s largest terrorist attack, charging people whom they knew beforehand were innocent.

In this regard, in November 2012, i.e. before the memorandum was signed, the parties to the cover-up were already working on fabricating “new suspects” in the attack, of course, outside of Iran. In this course of action, Jorge “Yussuf” Khalil had already met with Dr. Héctor Luis Yrimia, the former prosecutor involved in the cause and a former Examining Magistrate, currently connected with an Intelligence Secretariat department and party to the scheme alleged herein. This is how he described it: “...*I have a couple of things to tell you...I had a talk with the prosecutor... The prosecutor of the cause...the one that was there before, not the one that is there now... The one that knows is this one I am telling you about...the prosecutor of the cause...*” He then noted that contact with Yrimia would have come from Fernando Esteche: “...*And the one who takes care of me is Fernando*” (Conversation of 11/04/13, telephone no. 11-3315-6908, File B-1009-2012-11-04-130024-6, CD 182).

On the development of this new theory, false yet needed to replace the charges against the accused Iranians, Fernando Esteche concluded: “...*they want to create a new enemy of the AMIA, the new perpetrator of the AMIA, it’s something they have to build...*” and, it can be deduced from the conversation that this task has been delegated to the Intelligence Secretariat, or at least to one of its departments. In creating this “new enemy,” since “*they won’t be able to say that it was the Israelis*” because – clearly – that would not be credible, they had to fabricate a false theory, and even spoke about involving a “local connection of fascists” (Conversation of 12/18/2012, telephone no. 11-3315-6908, File B-1009-2012-12-18-183332-8, CD 226).

At a time when neither the courts nor the family members and victims of the attack knew what was happening with the negotiations between Argentina and Iran, these “operators” knew perfectly well that there would be a change in theory and that the investigation would be redirected toward “new suspects,” who would replace the accused Iranians based on false evidence. This was true, since they were precisely some of the people in charge of putting together the new false theory to sidetrack the investigation from its true course.

The objective of generating this fabricated theory and redirecting the investigation was: “...*the essence of the matter, the core of the matter...is Iran’s innocence...*” and it was also said: “...*it is Iran’s innocence with the community’s innocence as a local connection...*” (Conversation of 02/14/2013, telephone no. 11-3315-6908, File B-1009-2013-02-14-164341-10, CD 284). That is why they planned: “...*they want to create a new enemy of the AMIA, the new perpetrator of the AMIA...*” and they acknowledged that the parties to the cover-up “...*are going to propose whitewashing with you...*” alluding to the Iranians (Conversation of 12/18/2012, telephone no. 11-3315-6908, File B-1009-2012-12-18-183332-8, CD 226). Likewise, it was said: “...*I think we are going to do our own clean-up...*” Conversation of 06/01/2013, telephone no. 11-3964-0799, File 224753, CD 0086).

They also knew that the “Truth Commission” was not created to investigate anything, but to legitimize the lie that was being fabricated. In fact, in conversations of the same day that the agreement was signed with Iran, it was concluded that one of the two parties – Argentina or Iran – would have to be harmed by the actions of the “Truth Commission” as stipulated in the agreement. Verbatim: “...*someone is going to get egg on their face here...*” and Khalil, Iran’s representative on the matter, acknowledged: “...*Obviously, this has already been arranged...*” but he clarified that it would not be the Iranians and concluded: “*How will it turn out for our side, dude? I mean, we’re seated at the table...*” (Conversation of 1/27/2013, telephone no. 11-3315-6908, File B-1009-2013-01-27-113208-14, CD 266).

It is a revealing fact that a representative of Khalil’s stature would know, simultaneously with the signing of the agreement, that everything was taken care of; the Iranian fugitives would be fraudulently and definitively dissociated from the case by the committee and the party that would be harmed were those who, on Argentina’s side, had leveled the charges against the Iranian nationals.

In fact, on the day after the signing of the agreement, the intelligence agent identified as “Allan” spoke with Khalil and said: “*Relax, we’ve already won; that is, we’ve won a match. I told you; you didn’t have faith in me...*” (Conversation of 01/28/13, telephone no. 11-315-6908, File B-1009-2013-01-28-135732-18.wav, CD 267). This type of exchange between an Argentine official and the Iranian representative, Jorge Khalil, is extremely noteworthy. Obviously the issues surrounding the memorandum and, mainly, the cover-up, had been agreed in advance, hence clarifying expressions such as “*I told you, you didn’t have faith in me*” and “*we’ve already won*” that show a certain department of Argentine intelligence that was operating jointly and in line with the interests of Tehran, by presidential decision.

They also discussed Khalil’s concerns regarding Timerman’s performance in the negotiations:

“...let’s see if he doesn’t know how to handle her...besides, he does not understand her...” But these concerns were not an issue because they were: *“...orders, orders and orders and orders...”* alluding that the foreign minister simply followed orders received by Dr. Fernández (Conversation of 01/28/13, telephone no. 11-315-6908, File B-1009-2013-01-28-135732-18.wav, CD 267). This conversation also goes to show that the parties to the cover-up knew perfectly well what “a drawing” was, i.e. that an agreement had to be skillfully designed so that its wording would not crudely expose the sophisticated underlying plan.

On another occasion, “Allan” estimated *“...That in a year and a half we should have good news...”* underhandedly alluding to the Iranian’s full acquittal in the cause. And he clarified: *“...we are perfect, at the international level perfect...”* and concluded: *“...relax, it is SETTLED VERY HIGH UP...”* (Conversation of 02/06/13, telephone no. 11-3315-6908, File B-1009-2013-02-06-203822-26, CD 276). It should be noted that the “we” included Khalil, i.e. Iran’s interests.

Regardless of the evidence, facts or real responsibility in the attack, the Iranian citizens were to be cleared in the cause, Iran would “*whitewashed*” and it was “*settled very high up,*” i.e., the plan had the presidential seal.

This is of unusual institutional importance. The order to execute the crime came directly and personally from the president of the nation and its implementation was entrusted to her foreign minister, other lower officials and third parties, whose identities the investigation carried out by Your Honor will determine in its proper scope and extent.

It is worth reiterating that the Memorandum of Understanding signed between the Islamic Republic of Iran and Argentina has been nothing more nor less than the means selected to present to the world a legal camouflage that hides a sophisticated immunity plan for international terrorists who are fugitives from the Argentine justice system.

There is conclusive evidence that determines that the mastermind behind the cover-up plan to grant immunity to the Iranians who were charged by the national courts as responsible for the AMIA attack

was none other than the president of Argentina, Cristina Fernández.

Now, the authors and perpetrators of this cover-up had reached the conclusion that currently there is a new global scenario in which Iran's place has changed. And that this "*new world*" would favor – in a way – the success of this criminal plan, since there are interests and situations that require rapprochement with Iran, that they need to "whitewash" and demand the appearance of "new enemies." This new scenario might help the credibility of the invented version to dissociate the accused Iranians from the AMIA cause.

Meanwhile, Cristina Fernández publicly asserted that she would not allow "*...this terrible misfortune that happened to us Argentines be used as a pawn on the international chessboard...*" or "*...for purposes of international geopolitics...*"; one of her accomplices, "Allan," acknowledged through parallel channels: "*...we're in a different country, this is a different world situation and we need to work in a different context...*" (Conversation of 06/01/2013, telephone no. 11-3238-4699, File B-1009-2013-06-01-224726-18, CD 43). There is a new global context, "*we are in a different country*" and the need to create a new culprit for the AMIA attack had been noted. It was no longer important to charge the Iranian citizens, even if they truly were responsible for the attack, instead ties with Iran and the local Iranian community were to be mended. The evidence proves this. It has been revealed that: "*...there will be another theory with other evidence...*" (Conversation of 06/01/2013, telephone no. 11-3238-4699, File B-1009-2013-06-01-224726-18, CD 43).

That is, the responsibilities were to be determined on the basis of the perpetrators' political and international geopolitical needs. What the evidence indicated was of little importance. Everything was taken care of: the AMIA case would be used as a pawn to satisfy geopolitical interests on the new global chessboard. How ironic are Dr. Fernández's words.

And when that new hypothesis and its false evidence appear, it was said that the undersigned would be completely out of place “...*because he never saw it, the evidence...what is going to come out now...it is really convincing evidence...*” (Conversation of 06/01/2013, telephone no. 11-3238-4699, File B-1009-2013-06-01-224726-18, CD 43). In fact, they knew that to delegitimize the undersigned and the investigation carried out according to law, to proceed with the cover-up of the accused Iranians, they needed to fabricate a new – and false – theory, with “evidence never seen,” never even submitted to the cause.

That is, the parties to the cover-up knew that there would be a new theory about the attack, but with “other evidence,” moreover, evidence never seen by the undersigned. There was talk of fabricating false evidence to discredit the current and thorough investigation, and thus delegitimize the charges involving the accused Iranians.

Now, it may be obvious to note that the new theory had to seem plausible. Consequently, the decision was to resort to certain individuals who had contact with the AMIA case investigation, such as former Federal Prosecutor and former National Examining Magistrate Héctor Luis Yrimia. This contact’s purpose was to obtain objective data about the cause that would make what was false seem plausible.

Dr. Yrimia served as prosecutor during the initial and transcendental moments of the investigation.¹² He has had access to the case file and has been able to contribute with information to fabricate a theory supported by elements that are already incorporated into the cause, that would entail more credibility for the fabricated version.

¹² On the day of the attack, Dr. Héctor Luis Yrimia, at the time Prosecutor of First Instance Criminal and Federal Correction, was appointed by the Attorney General’s Office, along with other prosecutors, to participate in the investigation of the attack on the AMIA headquarters (Ruling no. 37/94 of 07/18/1994). According to the order, these officials could act together, alternate or act sequentially, to reconstruct the material truth of what happened and succeed at arresting the instigators, perpetrators, accomplices and accessories to these crimes. This decision was adopted by specific order of the Minister of Justice, Dr. Rodolfo Carlos Barra (Ruling no. 83 of the Ministry of Justice, 07/18/1994). Then, on November 23 of that year, he became Examining Magistrate, and abandoned his position at the Office of the Attorney General (see pp. 508-511 and 2054 of the main decrees).

Note that in November 2012, long before the signing of a treaty with Iran, Jorge “Yussuf” Khalil had already met with Dr. Yrimia. This is how he described it: “...*I have a couple of things to tell you... I had a talk with the prosecutor... The prosecutor of the cause... the one that was there before, not the one that is there now... The one that knows is this one I am telling you about...the prosecutor of the cause...*” He then noted that contact with Yrimia would have come from Fernando Esteche: “...*And the one who takes care of me is Fernando*” (Conversation of 11/04/12, telephone no. 11-3315-6908, File B-1009-2012-11-04-130024-6, CD 182).

These contacts were corroborated in a subsequent conversation, held in December 2012, in which Esteche told Khalil, “*the AMIA prosecutor is one of theirs, Yrimia*” (Conversation of 12/18/2012, telephone no. 11-3315-6908, File B-1009-2012-12-18-183332-8, CD 226). “Theirs,” alluding to a department of the Intelligence Secretariat. These references indicate that Dr. Yrimia reported to the same department of the Intelligence Secretariat as “Allan,” who states: “...*Yrimia...that one’s my employee...he is in almost everything, you see that?...*” (Conversation of 10/07/2013, telephone no. 11-3238-4699, File B-1009-2013-10-07-141519-20, CD 171).

It was precisely Fernando Esteche who suggested Yrimia as a source of information for the fabrication of the new theory “...*that can be very useful to you for any of the theories...for any of the things that are going to be resolved, it’s going to be useful because it’s information*” (Conversation of 12/18/2012, telephone no. 11-3315-6908, File B-1009-2012-12-18-183332-8, CD 226).

Clear as day. There are several theories to replace the judicial charges. The best one must be chosen, the most credible one, and for this they need accurate information; Dr. Yrimia has been one of the sources that has lent himself to providing information, precisely because he was in a privileged position in direct contact with the case file in his role of prosecutor of the AMIA case.

In short, for the development of the “new theory,” the parties had access to Dr. Héctor Yrimia who for the purposes of the plan boasts the following “credentials”: 1) a specific personal knowledge about the cause, having been, among others, one of the first prosecutors on the case; 2) is connected to the department of the Intelligence Secretariat responsible for coming up with the new false theory; 3) has a direct relationship with the Iranian agent Jorge “Yussuf” Khalil, as a result of the latter’s connection with Fernando Esteche; and 4) he talks about it in his conversations with Jorge Khalil.

There are no doubts. Yrimia was in a position to provide first-hand information about the cause. And since the decision to create a “new culprit” had already been made, it was essential to have access to information supported by the cause data, and that would help fabricate the most credible of all false versions.

Thus, in the recorded conversations different ideas concerning possible alternative versions were bandied about, for example: *“they won’t be able to say that it was the Israelis”*; blame could be for a *“local connection of fascists”*; or *“...they are claiming that they themselves were behind the staged attack. So, it is going forward, and so we begin to weave another variant...”* or *“...if the Traffic doesn’t falls apart, forget about it, everything falls apart...not only would it fall apart, but also turn around...”* (Conversation of 12/18/2012, telephone no. 11-3315-6908, File B-1009-2012-12-18-183332-8, CD 226, Conversation of 02/13/2013, telephone no. 11-3315-6908, File B-1009-2013-02-13-184206-28, CD 283 and Conversation of 02/14/13, telephone no. 11-3315-6908, File B-1009-2013-02-14-164341-10, CD 284)

And that conversation shows again that everything had already been agreed in advance. When the alternative of the “new theory” appeared: *“...if the Traffic falls apart, forget about it, everything falls apart...not only would it fall apart, but also turn around...”* Khalil said: *“it’s done...Are you getting me?... it’s done, I can’t talk, tell you anything in advance, but EVERYTHING IS ALL SET”* (Conversation of 02/14/13, telephone no. 11-3315-6908, File B-1009-2013-02-14-164341-10, CD 284, emphasis added). The

immunity had been agreed upon previously, outside the text of the agreement.

In summary, the evidence obtained shows that the department of the Intelligence Secretariat operating directly below the nation's Presidency to which "Allan" reports undertook to create a new enemy, a new theory that would explain the attack so that the accused Iranian citizens would be dissociated from it, by virtue of the cover-up plan alleged herein.

Thus, based on the steps followed by the parties to the cover-up, it appears that the fabrication of the red herring to remove Tehran from the investigation involved the fabrication of evidence to incriminate innocent third parties, and would make them the new accused and, according to the account, the "real culprits." Everything was pending due to Iran's refusal to sign the Memorandum of Understanding because the red notices remained in force.

As stated at the beginning, the cover-up scheme involves not only fraudulently dissociating those who have been judicially and rightfully accused of a criminal act, but also involves falsely incriminating others.

The purpose of creating this false alternate theory has been to contribute to the exoneration of the accused Iranians and to end the nightmare that began for them in 2007, when the undersigned obtained Interpol's approval for arrests with red notices for the accused. The parties to the cover-up understood this. Evidence of this is what they expressed about it: "...*the essence of the matter, the core of the matter...is Iran's innocence...the rest is an afterthought,*" and also: "...*it is Iran's innocence with the community's innocence as a local connection...*" (Conversation of 02/14/2013, telephone no. 11-3315-6908, File B-1009-2013-02-14-164341-10, CD 284).

The seriousness of these actions is tremendous, especially if you consider that the original decision was made by the highest national public authority and involves her foreign minister, a national legislative deputy,

a certain sector of Argentine intelligence, and local representatives linked to government officials, among others.

Finally, while the parties to this fact – some very close to the presidential circle, such as “Allan” for example – acknowledged privately that changes in the global scenario demanded a new positioning regarding Iran, which would mean the fabrication of new perpetrators for the AMIA case, resulting in the removal of the obstacle that, to Argentine authorities’ understanding, prevented the bilateral relationship; meanwhile, the president devised an official discourse that was very different from the reality handled by the parties to her plan.

In fact Cristina Fernández said publicly: “...*we will never allow the AMIA tragedy to be used as a pawn on the chessboard of anyone else’s geopolitical interests*” (Message from Cristina Fernández’s twitter account on January 27, 2013 10:32). And she added: “*I am not going to allow this terrible misfortune that happened to us Argentines be used as a pawn on the international chessboard*” and she insisted “*I am not going to allow anyone to use the misfortune and tragedy of the Argentines for purposes of international geopolitics*” (Cristina Kirchner’s twitter account, 03/04/2013 5:08 PM; President Cristina Fernández’s message to legislature on the occasion of the opening of the 131st ordinary sessions of National Congress on 03/01/2013).

In this entangled chain of lies, the president was – precisely – supported by her foreign minister, who months earlier had issued a statement from the Ministry of Foreign Affairs, announcing an adjournment in the official negotiations, that read: “...*The national government hereby confirms that the only commitment is to the victims and to the right of their family members to find due recompense in truth and justice. Argentina hereby reiterates that there is no room in that objective for geopolitical interests, whether domestic or foreign...*” (Ministry of

Foreign Affairs and Worship, Press Release no. 360/12 dated 10/31/2012, emphasis added).

Neither the president's speech nor the foreign minister's press release reflected the truth. They themselves were protagonists in a plan that sacrificed the cause relating to the AMIA attack in favor of interests other than the search for justice.

A president who publicly revels in assuring survivors and relatives of the victims that she is searching for truth and justice; who declares that she will not allow the AMIA case to be used as a pawn to satisfy geopolitical interests; that she has taken a hand in the matter because it had ground to a halt when she had in fact given the order to dismantle the cause and conceal the accused. It is therefore terrifying to place on record that this was nothing other than playacting and manipulation of facts and people, since this is the same president who ordered her foreign minister, officials in her intelligence service and individuals related to her government to carry out a criminal plan devised by her, and to fabricate a false theory to remove the accusation leveled against the Iranians in the AMIA file.

d) Circumstantial evidence of a secret agreement signed with Iran beyond the Memorandum of Understanding

In announcing the signing of the agreement in Addis Ababa, Ethiopia, Foreign Minister Timerman felt obliged to issue the following clarification: "...*This agreement was obtained through direct dialogue with Iran and there are no secret clauses nor any other issues with the government of that country...*" (Statements by Timerman on concluding the agreement to investigate the AMIA attack with his Iranian counterpart, Casa Rosada, Office of the President of the Nation, 01/27/2013).

It was not understood what the reason was for such a clarification. Supposedly this agreement ought to contain no secret or hidden clauses.

However, the passage of a few months served to clarify the true meaning of that cautionary statement by the foreign minister. In May 2013, when

Jorge “Yussuf” Khalil reported the annoyance he had noted in Tehran over the issue of the red notices, he bluntly reported what had actually occurred when he stated that: “...*there’s a little...this is between us...there’s a little uneasiness over there... Uneasiness...yeah...I think that...I think that fucking Russian screwed up...something was signed, including the matter of the preventive measures*¹³...” (Conversation of 5/11/2013, telephone no. 11-3238-4699, File B-1009-2013-05-11-083146-8.wav, CD 0022).

Khalil’s words reveal the existence of another signed document in which the issue of the withdrawal of the Interpol red notices was included. In other words, a more wide-ranging document than that included in the text of the memorandum of understanding of January 27, 2013.

This is corroborated in the declarations issued by Iranian Foreign Minister Salehi who stated in March 2013 that “...*The [content] of the agreement between Iran and Argentina in connection with the AMIA matter shall be made public at the appropriate time and the issue [of the Iranian accused] has been included and we’re following that...*” a clear allusion to an agreement other than the memorandum (“Tehran insists accord with Argentina includes Interpol lifting red notices against Iranian suspects,” *Mercopress*, 03/19/2013).

To this we must add another incident that reveals the existence of secret agreements between the two parties. There was solid circumstantial evidence that raised questions as to whether the hearings in Tehran would actually take place, despite the fact that these court statements by the accused would not be acceptable as such under Argentine law. Indeed, Iranian Foreign Ministry spokesman Ramin Mehmanparast stated: “...*The notion of a court statement given by an Iranian agent [i.e. Vahidi] is completely false... It seems that this type of rumor is being spread by those who are unhappy with this agreement...*” (“Irán ratificó su adhesión plena al memorándum con Argentina” [Iran confirms full adherence to the memorandum with Argentina], *Página 12*, 02/12/2013). In connection with this, the media reported:

¹³ A clear reference to the Interpol red notices.

“...The spokesman of the Ministry of Foreign Affairs of Iran, Ramin Mehmanparast, denied the existence of a request for the interrogation of several officials of the Islamic Republic of Iran within the context of the review of the AMIA case...” (“Mehmanparast: solicitud para interrogar a funcionarios iraníes sobre el caso AMIA, es falsa” [Mehmanparast: Request to interview the Iranian officials in connection with the AMIA case is false], IRIB, 02/11/2013).

The following day Foreign Minister Salehi stated: *“...We have signed an agreement with Argentina regarding the resolution of the AMIA case and the two parties have committed themselves to this...”* (“El canciller de Irán dice que negoció durante dos años el acuerdo con Argentina” [Iranian foreign minister declares having negotiated the agreement with Argentina over a two-year period] *Clarín*, 12/02/2013).

Subsequently, in order to defuse the new controversy that was brewing, the foreign minister addressed a Senator during the parliamentary debate on the agreement and offered the following explanation for the Iranian declarations: *“...You stated that the Iranian government yesterday denied that any of the suspects would be interrogated. Who made that statement? A spokesman. Do your spokesmen speak for you or do you speak for yourself? Because an hour later, Iranian Foreign Minister Salehi stated that Iran will comply with all of the points contained in the Memorandum. Whom do you believe most? The spokesman or the foreign minister himself?...”* (Héctor Timerman, transcript of the Plenary Session of the Committees in the National Senate, Honorable National Congress, February 13, 2013).

But this was yet another fallacy. Salehi had not denied what his own spokesman had said. That would be strange. His spokesman had delivered an important and accurate statement. Salehi had only reiterated his commitment to comply with the agreement that under no circumstances meant that the then minister of defense would have to appear before the hearings provided for in the agreement.

In failing in his attempt to interpret the private aims of the Iranian regime better than its own officials, Foreign Minister Timerman hid what was actually taking place: the implementation of the cover-up plan exposed herein.

Indeed, credible proof of the existence of a secret pact between Salehi and Timerman under which it was agreed that Ahmad Vahidi

would never appear before these hearings is contained in the conversation between Jorge Khalil and Luis D'Elía transcribed below:

D'Elía: *So Infobae is reporting that they denied that any interrogation would be made of Vahidi. What do you know?*

Khalil: *No, Luis, I don't know anything.*

D'Elía: *Huh?*

Khalil: *I don't know anything.*

D'Elía: *Didn't you see, this is... Just a day after the parliamentary debate...*

Khalil: *But...uh...*

D'Elía: *Don't you smell a rat?*

Khalil: *Yes, I smell a rat. We'll talk in person later and I'll tell you about it.*

D'Elía: *But don't leave me hanging... Why does this rat smell?*

Khalil: *Look, you idiot, I can't tell you blow-by-blow on the phone, but...everything's as planned, Luis.*

D'Elía: *Ah, ah... OK, OK. It was all discussed in advance?*

Khalil: *Fuck it, of course, of course. I can't talk about it on the phone because this fucking phone is having the shit tapped out of it, and yours even more than mine.*

D'Elía: *But, all of this was known beforehand?... It's not a surprise?*

Khalil: *No.*

D'Elía: *Good.*

Khalil: *It was a... Both parties, it was known.*

D'Elía: *Ah.*

Khalil: *It goes even deeper, Luis, I'll have to explain it to you.*

(Conversation of 2/12/2013, telephone no. 11-3315-6908, File B-1009-2013-02-12-100525-14, CD 282).

In other words, this was not solely a matter of the withdrawal of the red notices. It was also agreed that Ahmad Vahidi, then Iranian Defense Minister and presently a fugitive from Argentine justice, would never actually sit down and give a statement, regardless of what was contained in the text of the Memorandum. This was agreed between the parties, and had been

“known beforehand” and, as indicated in the conversation, the agreement went *“even deeper.”*

This evidence powerfully reveals the existence of secret agreements beyond the text of the memorandum, some of these written down and signed, including matters that could not be leaked to the public. This helps confirm the existence of the plan alleged in this complaint, since everything that is obviously involved in this has been hidden from public scrutiny from the beginning.

e) Mohsen Rabbani and the immunity plan

During the course of this criminal plan, the various steps taken were immediately reported to one of the fugitives from Argentine justice who has been accused of participating in the attack on the headquarters of the AMIA and is a direct beneficiary of the cover-up alleged in this complaint: Mohsen Rabbani. Each step in the plan and each message of which Jorge Khalil, Tehran’s agent in Buenos Aires, became aware was reported to the accused Mohsen Rabbani.

Telephone conversations have been recorded containing undeniable evidence of this: *“...today we had a meeting with Minister of Planning De Vido, today we had a meeting with Minister of Planning De Vido, and he’s willing to send the highest-level executives from YPF to make arrangements with the Islamic Republic, and the transactions can be made through grain and other things...”* to which Rabbani responded: *“Send me the details so I can evaluate them,”* (Conversation of 5/20/2013, telephone no. 11-3238-4699, File B-1009-2013-05-20-114842-2, CD31).

So it was that the proposals made by the Argentine government were evaluated and, having evaluated them, the decision of one of those accused of the terrorist attack was that: *“...there are various sectors of government here that have told me that they’re ready to sell oil to Argentina...and also to buy weapons...”* (Conversation of 5/28/13, telephone no. 11-3238-4699, File B-1009-2013-05-28-155549-2, CD 39).

This reveals various issues.

First, Rabbani enjoys enormous decision-making power and political weight in the regime, which has allowed him to intervene personally in negotiations with those who would conceal him. This fugitive suspect has decision-making power in trade matters between the two States which, as also stated herein, constitute a key motive for organizing this cover-up. All of this suggests that the very same Rabbani has himself intervened – via such intermediaries as Jorge Khalil – in the trade negotiations that prompted none other than his own concealment. And all of this out of public view.

Second, and bearing in mind that the meeting with Minister Julio De Vido was carried out “*because la jefa requested it*” (Conversation of 5/20/2013, telephone no. 11-3238-4699, File B-1009-2013-05-20-111124-8, CD 31), this therefore demonstrates one of the means by which the messages and proposals sent by Cristina Fernández via her Federal Planning Minister Julio De Vido, via the agent Luis D’Elía and the link with Tehran, Jorge Khalil, reached the accused Mohsen Rabbani. In other words, President Cristina Fernández negotiated through intermediaries with the fugitive Mohsen Rabbani on various issues linked to the cover-up that unites them as a concealer-concealed criminal duo.

Three. The case recorded here demonstrates that while Dr. Fernández gave public assurances that the agreement would assist the legal cause, she was secretly and clandestinely trading oil with one of the suspects in the greatest act of terrorism ever suffered in our country. And Rabbani, far from being concerned for his legal situation, was orchestrating the oil deal promoted by the president in respect of his own concealment, while contemplating the possibility of purchasing arms from Argentina.

Four. The possibility of purchasing arms from Argentina was communicated by Mohsen Rabbani to a member of his circle, Adalberto

Assad, who that same day had met with an official of the Argentine government who was going to intervene in order to arrange a personal meeting between him and the president (Conversation of 5/28/13, telephone no. 11-3238-4699, File B-1009-2013-05-28-155549-2, CD 39).

Five. This phone conversation also reveals that Mohsen Rabbani continues to keep a close eye on meetings and negotiations in connection with the agreement that, as stated herein, are aimed – among other things – at securing his personal concealment. Thanks to Khalil, Rabbani was better informed than the families and victims of the attack, than local Jewish leaders and the Argentine legal authorities, none of whom were aware of these negotiations as of May 2013.

There are other examples of Mohsen Rabbani negotiating and sending messages to his intermediaries for these to be eventually submitted to the president's office: “...*The truth is that Iran wants good relations with us, Iran wants good relations... And given the fact that Iran is growing, we should take advantage of this now as quickly and as fully as possible in order to give them what they want...*” In addition, they received responses stating: “...*They also...the government also wants to have good relations...*” referring to the Argentine government (Conversation of 5/28/13, telephone no. 11-3238-4699, File B-1 009-2013-05-28-155549-2, CD 39).

There are also examples of conversations with Rabbani that prove that he was informed of every aspect of his legal situation, the AMIA cause in general, the rapprochement between Tehran and Buenos Aires and, of course, the Memorandum of Understanding, his means for obtaining immunity (Conversation of 2/27/13, telephone no. 11-3315-6908, File B-1009-2013-02-27-125331-24, CD 297, Conversation of 5/20/2013, telephone no. 11-3238-4699, File B-1009-2013-05-20-114842-2, CD 31, Conversation of 5/28/13, telephone no. 11-3238-4699, File B-1009-2013-05-28-155549-2, CD 39; Conversation of 11/24/13, telephone no. 11-3238-4699, File B-1009-2013-11-24-103813-4, CD 219 and Conversation of 2/4/14, telephone no. 11-3238-4699, File B-1009-2014-02-04-093431-30, CD 291).

Within the context of this criminal plan, Jorge Khalil has been Rabbani's man of confidence who has constantly reported back to him from Buenos Aires: "...*Sheikh, don't worry because tonight when I get home I'll send you a report on everything that I'm doing,*" thereby once again demonstrating his subordination to Mohsen Rabbani (Conversation of 01/20/2014, telephone no. 11-3238-4699, File B-1009-2014-01-20-160302-28, CD 276). Rabbani has acknowledged this connection on number of occasions: "*I'm insulting you in confidence because you're responsible for everything*" (Conversation of 2/13/13, telephone no. 11-3315-6908, File B-1009-2013-02-13-184206-28, CD 283 and Conversation of 2/14/13, telephone no. 11-3315-6908, File B-1009-2013-02-14-164341-10, CD 284), or "...*don't mix things up. You work for me...*" (Conversation of 11/24/13, telephone no. 11-3238-4699, File B-1009-2013-11-24-103813-4, CD 219).

Moreover, these contacts reveal beyond all doubt that Mohsen Rabbani continued making decisions and operating on behalf of the Tehran regime from Iran, sending funds to support the structure he was building in Argentina in the decade preceding the attack on the headquarters of the AMIA and that he continues to support to the present time with the help of his circle (Conversation of 5/20/2013, telephone no. 1-3238-4699, File B-1009-2013-05-20-114842-2, CD 31, Conversation of 5/28/13, telephone no. 11-3238-4699, File B-1009-2013-05-28-155549-2, CD 39; Conversation of 1/19/2014, telephone no. 11-3964-0799, File IN-12177-20140119-003044, CD 49; Conversation of 01/20/2014, telephone no. 11-3238-4699, File B-1 009-2014-01-20-160302-28, CD 276, Conversation of 2/4/14, telephone no. 11-3238-4699, File B-1009-2014-02-04-093431-30, CD 291).

But above all, the events recorded in the court-ordered wiretaps provide a flagrant example of how certain figures in the Argentine national government have been negotiating and agreeing on joint strategies through the use of intermediaries with

one of those accused of having participated in the terrorist attack on the AMIA.

The next point will provide details on all of those steps that the president, the foreign minister and others involved in the cover-up have taken in order to implement their criminal plan.

V. Steps taken to promote the criminal plan

a) The discrediting campaign

The cover-up plan ran parallel with a media and briefing strategy aimed at undermining the credibility of the Argentine legal system and the officials responsible for the investigation into the attack, blaming them for the fact that the cause was stalled together with their lack of objectivity and susceptibility to the influence of interests other than those relating to the search for truth and justice.

This effectively amounted to a pernicious campaign to discredit the ongoing legal investigation into the AMIA case in what has represented another means by which the cover-up plan could be implemented, given that any steps taken to undermine the charges could make a case, and foster public credibility, for the “new theories” and the “new” perpetrators of the deed, thereby permitting the accused Iranian nationals and above all Tehran to be absolved from all terrorist involvement in the case. This discrediting is not innocuous, since it contributes to the purpose of the cover-up alleged in this complaint.

a.1) The cause is “contrived”

This cliché has been the spearhead of the effort to question the accuracy of the Argentine legal investigation that has to a large extent succeeded in

establishing the identities of those responsible for the attack perpetrated in Buenos Aires on July 18, 1994. On the other hand, this has always been the Tehran regime's official version of events. This is simply a case of a defensive media strategy that has proved successful for the Islamic Republic of Iran.

According to this false premise, foreign interests promoted by political factions based in Israel and/or the United States have managed to influence and manipulate the Argentine legal system to fabricate charges involving the Iranian citizens in the AMIA attack, for the purpose of undermining and damaging the international reputation of the Islamic Republic of Iran by holding it responsible for committing a terrorist act in South America.

No evidence has been adduced to support these sweeping accusations, nor could they be since this alleged manipulation by foreign powers has simply never occurred, and the conclusions of the investigation are no more and no less than the product of the analysis of the evidence contained in the case file. Whether or not the evidence gathered is to the liking of a particular grouping or country is a matter of no concern whatsoever to the undersigned.

Now, from the time the cover-up plan was initiated by certain members of the Argentine government, the discrediting campaign, which had hitherto been exclusively orchestrated from Iran, was subject to a subtle change that has accorded it an altogether different character. Far from opposing the Iranian rhetoric, the most senior figures in the nation, including the president and the foreign minister, seemed to offer their support to the latter by making their own undermining and discrediting statements.

Luis D'Elía had previously acted as the local spokesman of this version of events, but this cost him his position in the government of Néstor Kirchner, who refused to allow any of his officials to question the conclusions reached by the Judicial Branch and the Public Prosecutor's Office without due cause. However, D'Elía never ceased publishing this false and discrediting version of events.

In that context, while D'Elía was asserting that foreign interests had succeeded in influencing and manipulating Argentine courts to fabricate the charges against Iran, the president reinforced the rhetoric through her Twitter account, stating, “...*We will never let the AMIA tragedy be used as a pawn on the chessboard of geopolitical interests*” (Twitter message from Cristina Fernández’s account on January 27, 2013 at 10:32 am). This sentence was said by D'Elía himself, who pointed out that the president had made reference to using the AMIA matter in geopolitical matters of other states (“Causa AMIA: Para D'Elía, los acusados iraníes van a ser sobreseídos” [AMIA Cause: For D'Elía, the charges against the accused Iranians will be dismissed], *Infobae*, 3/1/2013).

It is appalling to note that the AMIA cause, contrary to what President Fernández expressed, was exploited as the pivotal instrument to reestablishing the bilateral trade relationship with the Islamic Republic of Iran, for the sake of a change in the geopolitical view.

a.2) The cause is paralyzed

In order to gain public support and parliamentary endorsement, they made a strategic attempt to portray the Memorandum of Understanding, an important piece to the cover-up plan, as the only possible alternative to advance the cause, as the necessary path to follow; not because it was ideal – nobody would believe it was – but because there were no alternatives and there was nothing to lose.

In this way, they attempted to establish the idea that the court case regarding the attack had been completely paralyzed for years. With this (completely false) statement, they sought to strategically create public sentiment that the memorandum provided the only possibility of advancing the cause and that, although it was not ideal and certain aspects were less than perfect, it was better than the paralysis of the proceedings. False, in short, but they said there was nothing to lose in trying this option.

To support this argument, Timerman said, “...*For the first time, there is a commitment in writing from Iran...so that the “AMIA” cause may break out of its current total paralysis in which it is found. I repeat, the total paralysis in which it is found...*” Later, he clarified that he was referring to the “...*ongoing legal proceedings, there has not been any form of progress in recent years*” and he informed the legislators: “*You all would be the ones to decide whether the cause advances or remains paralyzed*” and then he added, “*The cause has been paralyzed since 2006*” and, “*Remember that 19 years have passed without having made any significant advances*” (Transcript of the Plenary Sessions of the Committees on Foreign Affairs, Constitutional Affairs and Justice and Criminal Affairs of the Senate held on February 13, 2013).

Similar views were repeated before the plenary session of committees from the Chamber of Deputies (see transcript of the Plenary Session of the Committees on Foreign Affairs, Constitutional Affairs and Justice and Criminal Affairs of the Senate held on February 26, 2013).

For her part, the president stated in her speech before the United Nations General Assembly, “...*the cause is stagnant, it has not moved forward for 19 years...*” (Speech by Cristina Fernández, 68th United Nations General Assembly, September 24, 2013). And months before, when presenting the agreement with Iran to Congress for its approval, she had affirmed over a National Broadcast: “*This Memorandum we have signed is a step toward unblocking a case that has been paralyzed for 19 years...*” (Speech by Cristina Fernández, National Broadcast from 02/08/2013).

In March, 2013, the president wrote the following on social networks: “*We had to unblock this,*” alluding to the AMIA cause (see Twitter, 03/04/2013, 5:05 pm) and before the Legislative Assembly, “...*I am committed to trying to unblock this...*” (Message from President Cristina Fernández to the Legislative Assembly at the

131st National Congress ordinary session Opening Ceremony, 03/01/2013).

In line with the president and the foreign minister, other close officials and representatives in the presidential inner circle made similar statements. Then Senator Daniel Filmus held that the agreement “*unblocked the AMIA case*,” which “*has not progressed since 2006*,” and added that while “*we can not completely guarantee the memorandum’s success, we know that the cause being frozen like that is the road to failure*” (“Duro cruce de acusaciones entre Timerman y García Moritán” [Harsh exchange of accusations between Timerman and García Moritán], *La Nación*, 02/19/2013). National Senator, Miguel Ángel Pichetto also stated in his speech: “*...the case has been paralyzed since 2006...*” (Transcript of the plenary session of Committees in the the Honorable National Senate, February 13, 2013).

Moreover, so many untruths require the undersigned to list herein, albeit in a summarized fashion, the significant progress this case has made since 2006, the date of issue of the international arrest warrants that were supported by a large majority during the General Assembly of Interpol in November 2007.

The following year, 2008, saw the completion of the work that brought about the complaint regarding another cover-up verified in this case that would benefit the defendant, Alberto Jacinto Kanoore Edul, who[se case] is currently in the trial phase. At the end of 2008, injunctive attachments were ordered on the properties of the accused, resulting in the freezing of some of Mohsen Rabbani’s assets in our country.

In 2009, the undersigned prosecutor issued a new opinion regarding the attack, in which he explained the work related to identifying the car bomb used in the attack, and he explained in detail how the cellphone belonging to the Hezbollah terrorist involved in the direct execution of the incident. It was even possible to establish the identity and participation of the head of said task force, the Lebanese citizen Samuel Salman El Reda, who is credited for having coordinated the entry and exit,

the logistical operations and other activities carried out by the task force in charge of executing the final phase of the attack. National and international arrest warrants were also issued regarding this matter and they were placed on Interpol's most wanted list.

In this statement, it was determined that El Reda was an active member of the Lebanese Hezbollah, with a proven link to persons of interest based at the Tri-Border Area [Argentina-Brazil-Paraguay] who belonged to this organization. The work of this Prosecutorial Investigation Unit also managed to show that El Reda knew the city of Buenos Aires and the accused, Mohsen Rabbani, at least since 1987. His insertion in the local environment was strengthened with his marriage to an Argentine woman in 1989, Silvina Sain. This connection to Buenos Aires and, basically, to Mohsen Rabbani, in addition to El Reda's affiliation with Hezbollah, allowed him to devise an effective bridge between the group on a regional level and the then government of the Islamic Republic of Iran – the political heads of which were charged in the attack.

The evidence gathered reflects that during the year of the attack, Samuel Salman El Reda resided in the City of Foz de Iguazú, but that he alternately lived between that location and his in-laws' home in Buenos Aires. This rotation between his Brazil and Argentina homes was used by the accused to develop his tasks, since he raised no suspicions because of his family contacts.

In turn, it was possible to prove that El Reda was in Buenos Aires at various times, and more specifically, on a date close to the execution of the attack. Also, the accused deliberately omitted leaving a record of his movements between countries, with the sole objective of making it difficult for potential investigations and to follow his steps. With respect to the attack on the AMIA headquarters, said absence of records proving his movements between one country and another could only be understood as an activity used to carry out that operation.

Another piece of information established by this prosecutor, specifically regarding the role of El Reda in the execution of the attack on the Jewish community center, was his involvement in the phone calls that took place; bearing in mind those who made them, from where and when they made them, it can be concluded that during those calls, the accused transferred information essential to the execution of the incident and played the role of coordinating arrivals and departures, logistics operations, and other activities carried out by the task force with regard to both the remaining agents involved in the operation who, like him, acted on a local level, and those acting from the Tri-Border Area through a cellular phone registered to André Marques.

These calls were strictly necessary and essential for the operation to be completed as it was, to the extent that the operation could not have reached its final phase if it were not for El Reda's involvement at the times and places established.

With regard to these telephone conversations, it was considered, first, that they were made from strategic locations related to the attack (airline terminals from where at least some of the executors of the plan arrived and departed, as well as internet cafés close to the target). Secondly, they were calls that were directed, in some cases, to phones corresponding to Hezbollah communication centers in Beirut (Republic of Lebanon), and to the telephone registered under André Marques, the user of which was an active Hezbollah militiaman, who was also responsible for coordinating actions and agents from the Tri-Border Area. And third and lastly, also considered was the fact that the contacts were made from July 1 through July 18, 1994, having been previously proven that the phone registered to Marques had only received calls from our country between those dates, not before nor after, meaning that that telephone was active during a specific period with a concrete purpose:

to coordinate the tasks devised for the attack on the AMIA headquarters.

It was also proven in that opinion that the first two calls to the phone registered to André Marques – Tri-Border Area – were recorded on July 1, from phone booths located in Ezeiza International Airport, and the last one on July 18, from another location in the Jorge Newbery Metropolitan Airport, just two hours before the explosive device went off that destroyed the AMIA building.

The fact that both the first and the last call recorded were made from the two respective airports leads us to conclude that he had informed the active Hezbollah member working as André Marques about both the arrival and departure of members of the task force that carried out the final stage of the mission.

Specifically, the work of the Prosecutorial Investigation Unit solidly and convincingly demonstrates that Samuel Salman El Reda played an essential role in the local support network used by the operation to attack the AMIA center.

Likewise, that opinion provides an extensive report of over one hundred pages regarding the tasks of this Prosecutorial Investigation Unit in identifying the shop used to build the car bomb that exploded at the AMIA. After applying adequate filters to refine the extensive lists studied, and a rigorous subsequent analysis, it was possible to reduce the number of vans potentially used to four units, among which – as concluded – was the one used to build the car bomb.

Starting in 2010 and based on rulings by the Supreme Court of Justice of the Nation and the National Criminal Cassation Chamber the previous year with regard to the status of Carlos Telleldín in the proceedings, the task of reviewing the evidence produced against the accused began, leading to a new request to remand Telleldín's case to trial in August 2012.

In 2013, in light of the investigative activity carried out by this Prosecutor's Office, which included obtaining testimonies abroad, and the evidence collected during the two previous years, closely related to illegal activities of agents serving the regime in Tehran, a new report of over 500 pages was submitted establishing the Iranian regime's manner of infiltrating various countries in South America and installing intelligence centers there in order to commit, foster and sponsor terrorist activities, together with their aim to export the revolution.

Obtaining this information has been central to contextualize – both regionally and strategically – the attack on the AMIA headquarters, as well as to establish in greater detail the evidence on the role of the accused Mohsen Rabbani in said attack. This opinion shows that the context in which the attack on the Jewish center was carried out was not an isolated event, but rather it was a cog in a much larger scheme, dominated by the Iranian policy of penetrating the region.

In parallel to all these lines of investigation and their corresponding reports, the Prosecutorial Investigation Unit was constantly focused on deepening the investigation into the attack, and that is set forth in the principal corpus of the cause, currently consisting of 27 file dossiers that comprise the ongoing case.

It is helpful to remember that the foreign minister was aware, shortly after assuming his ministerial role around 2010, that among the various fronts of the investigation, a new line of investigation was advancing related to the accused Mohsen Rabbani, his role and his network of regional contacts, that would then lead to the pronouncement of May 2013. The foreign minister claimed he had given information to the prosecutor regarding this line of investigation. He referred to a Google alert he had received by email. In his words, Timerman stated: “...*I was able to learn that a thwarted attack on JFK airport in the United States involved Mohsen*

Rabbani, who was the cultural attaché at the Iranian Embassy in Buenos Aires. Neither Hillary Clinton nor the people who are investigating here knew this. Now there is a connection between an attack that was thwarted in the United States and the AMIA attack.....” (Cibeira, Fernando. “Hay que relacionarse sin intermediarios” [Relations must be established without intermediaries], Report on Héctor Timerman, Ministry of Foreign Affairs, *Página 12*, 01/09/2011).

In fact, in his presentations before the National Congress parliamentary committees at the time in which he discussed the approval of the memorandum of understanding, Héctor Timerman remembered: “(...) *the prosecutor is going to ask who provided the principal evidence he possesses at this time against the Islamic Republic of Iran. And he is going to be surprised because it was me. I cooperated with the investigation (...) Specifically, that piece of evidence was what enabled him to conduct many inquiries that we will hopefully be able to submit to trial one day...*”¹⁴ (Transcript of the Plenary Session of the Committees on Foreign Affairs, Constitutional Affairs and Justice and Criminal Affairs of the Senate held on February 26, 2013).

In other words, Mr. Timerman had reliable knowledge of specific progress in the cause and acknowledged it before Congress. However, three months later, he crossed the Syrian deserts to contact Iran and negotiate the suspension of investigations in exchange for resuming the flow of trade between the nations, and later did not hesitate to justify this course of action by stating on various occasions that the cause was “paralyzed”.

This fallacy was further exposed on May 29, 2013, when the office headed by the undersigned prosecutor, as noted in previous paragraphs, issued an extensive report relating particularly to the line of investigation known by Foreign Minister Timerman, in which facts and evidence were exposed allowing them to gain a fuller understanding of the political and regional context in which the attack on the AMIA headquarters took place

¹⁴ Referring to the connection between the accused in the AMIA case, Mohsen Rabbani and Abdul Kadir, who is sentenced to life imprisonment (pp. 133, 113-134, 416 of the main case files).

and, specifically, Mohsen Rabbani's role in it (pp. 133,113–133,416). When this document was discovered, the foreign minister changed his previous position and stated: "*Much of this is not news to me,*" in an attempt to discredit the findings of the Attorney General, without realizing that his statement undermined the contribution that he had so boasted of to the national legislators and that, because of its relevance, he had even told the US Secretary of State, Hillary Clinton (Pisani, Silvia, "El Congreso de EEUU invitó al fiscal Nisman por su informe de Irán" [The US Congress invited Prosecutor Nisman for his report on Iran], *La Nación*, June 14, 2013).

Finally, asserting that "there is nothing to lose" is a new rhetorical ruse aimed at justifying the chosen path of the memorandum of understanding that, as we know today, it is the path of immunity for the accused Iranians for the AMIA attack. It should be kept in mind that the cause entails the possibility that, once again, we may be swamped with nullifications if we move forward with legal proceedings not provided for by law, that are unconstitutional and contrary to the principles of public law provided therein. It is untrue that there are no risks. Harm has already been done, as will be seen by the facts, since third party countries have ceased sending information after the agreement was signed.

In conclusion, the only thing that needs to be unblocked in this cause is Iran's firm refusal to extradite its nationals and place them at the disposal of the Argentine courts. The memorandum of understanding is far from solving this problem. The court case does not need to be "unblocked," nor should false and irresponsible statement be made that it has been paralyzed since 2006, as stated. Such statements are made only in order to disgrace Argentina's courts, to validate the memorandum and, as can be determined now, to advance the ongoing cover-up plan.

b) *The campaign of deceit:*

The media's distortion of the procedural reality of the AMIA case file that the president and the foreign minister brought forth regarding the negotiation process with the Islamic Republic was necessary, although not adequate. In addition, they had to unleash a whole barrage of lies, of promises that the appointed officials were perfectly aware would never be fulfilled, of stage effects and other fallacious communication strategies, aiming to favorably influence public opinion on the negotiations with Iran, and specifically, with respect to the Memorandum of Understanding, with the end goal of covering up for the accused and dissociating them from the legitimate pending charges.

With this goal, the parties to the cover-up lied about when they truly had begun negotiations, the fact of the matters being negotiated and which party had promoted and fostered the reconciliation. For the same reasons, the Argentine representatives' inclination to leave the Argentine courts out of the AMIA cause was hidden, and for other geopolitical reasons, thereby falsifying the true motives for the agreement, namely the underlying reasons for this decision.

That is also why they turned to clandestine intermediaries and "smokescreen" meetings to advance the secret negotiations. That is why they refuted and questioned the press when it reported on stipulations of the negotiations that they had attempted to keep in secret. That is why they attacked former government officials who confirmed the existence of prior acts leading to the agreement that, precisely because of their illegal implications, did not succeed in the past. That is why they falsely stated, fully aware of this falsehood, that the case was paralyzed, that there was no other way out and nothing to lose by supporting the memorandum. These were, in general terms, some of the acts committed by Cristina Hernández, Héctor Timerman and other participants in this cover-up plan as part of the smear campaign.

We have already set forth the ways in which the president and the foreign minister tried to justify the negotiations with Iran, stating that the case was paralyzed, when they knew that was not the case.

We shall now discuss their subsequent contributions to the criminal plan. Aware that the Memorandum of Understanding was only a legal cloak to camouflage the cover-up of the Iranian fugitives, the president presented it as an “historic achievement”. The day on which it was signed, she announced on her official Twitter account: *“Historic: After almost 19 years since the AMIA attack, we’ve achieved for the first time a legal instrument of INTERNATIONAL LAW between Argentina and Iran... Historic: Because it guarantees the right to due process of law, basic principles of international criminal law...when this truth commission of five world-renowned jurists was established...none of them could be nationals of either of the two countries. Necessary STANDARD for INDEPENDENCE... Historic: because Argentine court authorities for the first time can question anyone against whom Interpol has issued a red notice... Historic: because the agreement between Argentina and Iran must be debated and ratified by the parliament of both countries. High institutional standard. Historic: Because Iran was not bound by any resolution or international legal instrument, or any multilateral organism, for example the UN, to have a dialogue with Argentina, much less to sign an agreement. Historic: because we will never again let the AMIA tragedy be used as a pawn on the chessboard of foreign geopolitical interests...”* (Twitter messages from Cristina Fernández’s account on January 27, 2013, from 10:26 to 10:32).

With these words, she tried to insert the news in the media as an “historic victory,” keeping the orchestrated cover-up plan hidden to make geopolitical reconciliation and trade exchange with Iran politically viable.

She continued playing her role in the criminal plan when denying the surrounding speculation, as soon as the agreement was known, accusing the national government authorities of having acted according to

trade interests. In her message submitting the draft legislation approving the memorandum to Congress, the president said, “*We hope to present this agreement as a kind of ruse to “initiate” trade with Iran. The truth is that this trade has existed since 1990, and except for 2004 and 2005, it has created a surplus...*” (Presidential Message No. 173 for submitting the draft bill approving the Memorandum of Understanding between Argentina and Iran to Congress).

It is true that private sector trade between the two countries had been increasing, but the true interest was in reestablishing state-to-state trade relations. There were many telephone calls recorded pointing to this at the highest levels of government. Private sector trade is very different from agreements between nations. So arguing for one situation never addresses the other.

Moreover, we must remember the words of Néstor Kirchner’s Minister, Rafael Bielsa, who stated that Cristina Fernández “...*tells the relatives that those who are trading are companies and not the State. This seems to me a dumb argument, it really bothers me because it was a sacred topic for Néstor...*” and he added, “*When I was Minister, talk of selling to or purchasing from Iran was casus belli*”. (emphasis added, Dobry, Hernán, “Cancilleres K: el acuerdo con Irán ya había sido rechazado” [Kirchnerist foreign ministers: the agreement with Iran had already been rejected], *Perfil*, 02/23/2013).

In this deception, Cristina Fernández was emphatically supported by Foreign Minister Timerman, who on several occasions stated that the agreement had no economic motive, and to demonstrate that, he said, “*It offends me that you are inventing economic interests...How could I do something that is prohibited by the United Nations? Because if you knew, you would have read the United Nations sanctions, and you would realize what you are suggesting is impossible, but because you did not read the UN sanctions, you are simply repeating what you hear around here...there can be no economic interests...because there are economic sanctions*

imposed by the United Nations, of which Argentina is a member, preventing trade with Iran beyond what is already being carried out, which is grain, and that is not being done by the Argentine government, private companies are responsible for that...I asked them not to do it...” (Tenenbaum, Ernesto, *Tierra de Locos*, interview with Héctor Timerman, 02/18/2013).

He stated another time: “...*Why can’t Iran sell oil? Because of the sanctions. Then, how is Argentina going to purchase it?... There are sanctions. Oil cannot be purchased now...*” (Piqué, Martín. “Si se lleva adelante el memorándum, se activa la causa y comienza el juicio” [If the memorandum goes ahead, the cause will be activated and the trial will begin], *Tiempo Argentino*, 02/17/2013).

The truth is that, with the exception of a set of supplies related to Iran’s nuclear plan, there is no legal hindrance preventing trade between Argentina and Iran. All the resolutions that the United Nations Security Council has handed down preventing the member countries from trading with the Islamic Republic of Iran refer to articles, materials, equipment, goods and technology related to prosperity, reprocessing nuclear minerals or heavy water, or the development of nuclear armament launching systems.¹⁵ Just another lie from Mr. Timerman, lengthening the long list of ruses he had to use in attempting, with rare success, to truly hide the crime in which he participated.

In fact, on December 16, 2010, in the context of the 40th Mercosur Summit held in Foz de Iguazú, an announcement was made about signing a free trade agreement with Iran (Levinas, Gabriel, *op. cit*, p. 238). This fact was subsequently denied by the foreign minister, who explained “...*It is false, a lie, slander that Mercosur would even think about signing a Free Trade Agreement with Iran...What we signed was a General Preferential Agreement, in which any country who is a member may say “Sign me up”. Iran said “sign me up,” but*

¹⁵ UN Security Council Resolutions 1385, 1686, 1737, 1747, 1803 and 1929 on non-proliferation of nuclear weapons.

they were not signed up...” (“El fantasma de Irán y el reconocimiento a los palestinos se metió en el escenario político argentino” [The ghost of Iran and recognition for the Palestinians invaded the Argentine political scene], Jewish News Agency, 12/16/2010; “Timerman calificó como infamia la información sobre un acuerdo entre Mercosur e Irán” [Timerman called the information about an agreement between Mercosur and Iran defamatory], Jewish New Agency, 12/16/2010).

Additionally, and this is essential, in response to questions regarding the trade relationship with Iran, Minister Timerman explained, “...*Iran is part of the Group of 77 that Argentina supports and the 10 countries that signed this preferential tariff agreement. Therefore, there are no types of restrictions...*” on trading with Iran. (Gosman, Eleonora, “Mercosur: anuncian un acuerdo de libre comercio con Palestina” [Mercosur: A free trade agreement with Palestine is announced], *Clarín*, 12/16/2010; Levinas, Gabriel, *op cit.*, p. 238; Eliashev, José “Pepe,” “Desinteligencias” [Misunderstandings], *Perfil*, 12/18/2010).

In other words, shortly before the secret Aleppo summit, Héctor Timerman himself had already stated publicly that there were no restrictions against trading with Iran, a country with whom a preferential trade agreement could even be established.

Even after the Aleppo meeting in April, 2011, and at the time of his visit to Israel, at a joint press conference with his Israeli counterpart Avigdor Lieberman, Timerman stated: “...*there is no problem with trading with Iran. Argentina has no embargo against Iran. Iran has no embargo against Argentina...*” (Levinas, Gabriel, *op. cit.*, pp. 247–248, 269, 2828; “Joint press conference with FM Lieberman and Argentine FM Timerman,” Israel Ministry of Foreign Affairs, 04/04/2011).

After signing the agreement, as seen in the detailed paragraphs above, the foreign minister had no qualms about stating the exact opposite of what was being said.

Another example of these types of false statements made by the foreign minister took place as Parliament took up the agreement, when to justify the agreement and the “Truth Commission” it provided for, he made completely inaccurate statements regarding the difficulties of the extradition proceedings for Hadi Soleimanpour, the former Iranian ambassador in Argentina

during for the period of the attack, [requested] by United Kingdom authorities.

In fact, at the plenary session of Senate committees on February 13, 2013, Minister Timerman stated, “...*the extradition request ordered by Argentina for the former Iranian ambassador Hadi Soleimanpour was dismissed by the British courts due to nonexistent evidence... Interpol refused to issue a red notice because it considered that he had already been detained and exonerated and released due to lack of evidence...the evidence submitted by the then judge presiding over the case, Doctor Galeano, to request the extradition of the former Iranian ambassador at the time of the attack were dismissed because, according to legal authorities of a third party country, in this case, the United Kingdom, they were not even sufficient to begin extradition proceedings...*” (Transcript of the Plenary Session of the Committees on Foreign Affairs, Constitutional Affairs and Justice and Criminal Affairs of the Senate held on February 13, 2013).

In short, Timerman stated that the “*lack of evidence,*” “*nonexistent evidence*” had led the “*legal authorities from a third-party country*” specifically, the “*British courts*” to dismiss [the request] and release the Iranian diplomat and that, in addition, it had led Interpol to refuse to issue a new red notice with respect to this subject when, once accused again by Dr. Rodolfo Canicoba Corral, a new international warrant was issued against him.

But once again, the deeds were a far cry from the words. In 2003, when the cause was still ongoing before former Judge Juan José Galeano, Soleimanpour was detained temporarily in the United Kingdom for purposes of extradition because of an arrest warrant that was then still current. The Iranian diplomat requested release on bond, and it was granted, so he could await extradition proceedings outside prison. At that time, the British judge made some assessments regarding evidentiary matters, but explained that it was premature to rule on the matter, because the Argentine courts had two months to formally request

the extradition and present evidence for the case. In other words, they were going through the process of provisional arrest and still had not properly begun the extradition proceedings.

And although the Argentine courts fulfilled its duty, when the time came, the undersecretary of state of the United Kingdom was the one who decided not to grant the extradition of Soleimanpour, because he could not find a basis for it, due to reasons of a political nature not expressed in the decision and in light of a legal prerogative provided for in the extradition treaty that governed the case.

In short, if it was not possible to obtain Soleimanpour's extradition at that time, it was a political decision, not a legal one, and this was not due to the flimsy evidence underlying the charges, as the public was tendentiously led to believe, but it was due to unstated political reasons that influenced that decision. Soleimanpour was never exonerated by the British judicial system, as was alleged.

This was also noted by the Federal Chamber and stated in the ruling that declared unconstitutional the Memorandum of Understanding with Iran and its ratification law (Vote by Dr. Eduardo G. Farah, CCCF, Chamber I, CFP 3184/2013/CA1 "AMIA re. *Amparo* Law 16986, 05/15/2014, Court No. 6, Clerk of Court No. 11).

All these fallacious arguments make up the campaign of deceit, an important ingredient in the immunity plan.

Therefore, lies and doubletalk have been the rule in this matter. All the parties involved deliberately lie, and to top it off, on matters that are easily verifiable. We can therefore surmise that the seriousness of the actions to conceal – the cover-up for the foreign fugitives in the worst terrorist attack in the history of Argentina – far outstrip the means to do so. Put bluntly, what needed to be concealed is so terrible that little attention is paid to the means used to accomplish this objective. Changes in statements, a lie, a premeditated trick do not even compare with the perspective of discovering the cover-up plan.

b.1) Manipulation of the victims of the attack and the victims' relatives

In addition to falsifying reality, lying about the true status of the AMIA proceedings, the start of the negotiation with Iran, the contents of the subsequent meetings that were made public, and the real meaning and scope of the Memorandum of Understanding signed, the authors of this cover-up did not hesitate to unjustly manipulate both the Jewish institutions affected by the attack and the survivors and family members of the victims who perished in the explosion. The purpose of this atrocious attitude was the same as always: gain the support of those players specifically and of society in general to implement, unbeknownst to all, the immunity plan.

In fact, no sooner was the signing of the memorandum with Iran made known that both the Jewish institutions and the groups of victims of the attack and victims' family members agreed in indicating that they were not previously informed, much less were they consulted that, in fact, an agreement would be signed with Iran, let alone of the contents of said agreement (“El acuerdo con Irán sorprendió a los familiares de víctimas del ataque a la AMIA” [The agreement with Iran surprised the family members of the victims of the AMIA attack], *Infobae*, 01/27/2013).

In that sense, the AMIA authorities spoke about a “*unilateral memorandum*” and indicated that “*the proposal appeared to have been signed, a fact regarding which we have not been informed.*” They said “*this memorandum surprised all of citizens last January 27, we were never consulted, nor was there any mention of it*” (Borger, Guillermo, in “La AMIA advirtió un momento difícil, tras el acuerdo entre Argentina e Irán” [AMIA warned of difficult times following the agreement between Argentina and Iran], *La Nación*, 02/03/2013; “Presidente de la AMIA prometió no bajar los brazos y se comprometió a evitar que la causa por el atentado cause en la nulidad” [AMIA president promised not drop his guard and promised to keep the cause in the attack from becoming null and void], Jewish News Agency, 03/04/2013).

For their part, the DAIA representatives confirmed having found out about the agreement at the same time as the rest of the public and clarified that the institution was not previously consulted,

nor had they participated in drafting the document (Schlosser, Julio in: “La DAIA reconoció que hay un resquemor en la comunidad judía por el acuerdo que la Argentina firmó con Irán” [DAIA acknowledged that there is some bitterness in the Jewish community as a result of the agreement that Argentina signed with Iran], *Itongadol*, 02/04/2013).

In fact, the news reached them through the president’s official Twitter account and, immediately, through the mass media (Twitter messages from Cristina Fernández’s account from January 27, 2013 from 10:26 to 10:32, transcribed in previous paragraphs; “Via Twitter: La Presidenta sorprendió al anunciar un acuerdo con Irán por la AMIA” [Via Twitter: The president caused surprise when announcing an agreement with Iran on AMIA], *El Cronista Comercial* 01/28/2013).

That immediately generated bitterness, given that in her speech in September 2012 at the United Nations, the president had publicly promised to consult any proposal created by Iran *in advance*. Remember her words: “*rest assured that this president will not take any decision with respect to any proposal put to her without FIRST consulting with those who have been the direct victims of this. And, at the same time, also with those political parties having parliamentary representation in my country, because this matter cannot be settled by a single political entity...*” (Speech by Cristina Fernández before the 67th United Nations General Assembly, on September 25, 2012, emphasis added). This promise was never kept, and strictly speaking, Cristina Fernández engaged in mass manipulation as part of her criminal itinerary.

Likewise, also uncovered was the brutal difference between the way in which this matter was handled with the community leadership and – mainly – with the family members and victims of the attack in the past. In that regard, Rafael Bielsa indicated: “*We were in constant contact with the relatives and the community, informing them of everything... Every step we took, every memorandum we sent, we would inform them of everything because it was a very delicate matter and there was always the specter of the offers...*” (Dorby, Hernán, “Cancilleres K: el acuerdo con Irán ya había sido rechazado” [Kirchnerist foreign ministers: the agreement with Iran had already been rejected], *Perfil*, 02/23/2013).

In that context, it was obvious that said unfulfilled presidential promise had aimed to preserve the support that Dr. Fernández' administration had enjoyed up to then among the community entities and the groups of victims of the attack and their family members with regard to the AMIA case.

Along the same lines, Parliament's actions in approving the memorandum should be noted. The aforementioned parliamentary procedure had nothing to do with "*prior to all resolutions*" nor did it have "*consultation regarding a proposal*," but rather it is the *subsequent* means to provide the legislative stamp of approval for *a proposal already accepted and signed*. Furthermore, approval of the memorandum took place within the scope of the Legislative Branch, which was not the space for the Executive branch to act, liaise and/or consult with the family members of the victims, even if some of them may have been able to attend the sessions and/or have spoken in commission hearings.

In addition to all these obvious remarks that prove the failure to keep a promise, no weight was given to opinions contrary to the agreement when representatives from opposing political forces, community institutions and others from the groups of family members and victims made statements opposing approval of the agreement, expressing numerous objections.

To support this statement, it is enough to refer to the statements of several of the family members of the victims of the attack. Sofia Guterman stated: "*Nobody informed us to tell us that we had to sign up. Nobody told us anything. I was very surprised... I did not think they were going to rush the procedure, but evidently, the race ended and they had to reach the proposed goal. I was sickened when Pichetto said 'hurry up because president said it was finished...'*" (Sofia Guterman, "Se está haciendo todo lo posible para que Irán salga triunfante de esto" [Everything possible is being done for Iran to come out of this successfully], Radio JAI, 02/14/2013).

For her part, Laura Ginsberg stated: "*...One would hope the Congress would a place of reflection. Timerman portrayed, as did*

the official senators, the characteristics of a poor, crafty and vulgar environment...” and alluding to the debate, she indicated: “...*it was in Timerman’s and the government’s hands because their intent was to rush the law quickly...*” Finally, she stated, “...*the only thing that the government wanted was to approve this law as soon as possible, which meant closure on the AMIA matter...*” and continued, “...*what happened yesterday was miserable...*” Laura Ginsberg, “Sobre el cruce en el debate por el memorándum: Lo de ayer fue miserable” [Regarding the exchange during the debate on the memorandum: What happened yesterday was miserable], *La Razón*, 02/14/2013).

Finally, a group of family members that included Luis Czyzewski and Mario Averbuch, among others, complained about not having been able to express their opinion on the plenary of committees held in the Honorable Senate of the Nation (“Familiares de las víctimas del atentado a la AMIA piden participar en el plenario de Diputados” [Family members of the victims of the AMIA attack ask to participate in the plenary of Deputies], Jewish News Agency, 02/22/2013).

In addition, nobody was consulted previously. The victims and their family members found out from the media about the agreement being signed and its contents. They had no participation whatsoever during the whole negotiation process, because, as it was already proven, it was secret.

In the words of the Jewish community director, “...*We have not received even one phone call warning us of this possibility. We were surprised, in the middle of a Sunday, International Holocaust Day, a day of vacation, a legal holiday. We found out from the media... We were absolutely surprised by this memorandum...*” (Borger, Guillermo. Transcript of the Plenary of Committees from February 13, 2013).

It is clear from what was said by the family members and victims of the attack that the decision had been made. The memorandum had been signed without prior consultation and it was going to be approved at any cost. That was strictly necessary to achieve the criminal plan sketched out.

We should add to this that the presidential lie regarding prior consultations was accompanied by an all-out denial of information to the victims of the attack’s family members, despite

it having been expressly demanded by this Prosecutorial Investigation Unit, since as victims they were private-party plaintiffs in the court case (official correspondence dated November 5, 2012 listed on p. 132,805 and Memo No. 2194 dated November 8, 2012 from the DIAJU Folder No. 7102/11, Ministry of Foreign Affairs and Worship).

The day following the notice of the signing of the agreement with Iran, the AMIA and the DAIA, jointly, and Memoria Activa separately, issued communiqués rejecting the agreement. (Joint communiqué from AMIA and DAIA, 01/28/2013; Communiqué from Memoria Activa, 01/28/2013; “La comunidad judía consideró que el acuerdo con Irán declina la soberanía” [The Jewish community believes that the agreement with Iran diminishes sovereignty], *Infobae*, 01/28/2013; “Timerman: Es un gesto de ignorancia decir que cedemos soberanía” [Timerman: It is a sign of ignorance to say that we are giving up sovereignty], *La Nación*, 01/29/2013).

In other words, the agreement did not have the support that Cristina Fernández had promised to respect and heed. In fact, “...of the 86 representatives of various institutions that make up the DAIA, 83 stated that they were against the agreement...” (Levinas, Gabriel, *op. cit.*, p. 250).

Furthermore, the Centro “Simon Wiesenthal” [Simon Wiesenthal Center] also expressed its disagreement with the memorandum with Iran (“El Centro Simon Wiesenthal manifiesta su indignación por un acuerdo entre Argentina e Irán por el ataque contra la AMIA que encubrirá al principal sponsor del terrorismo” [Simon Wiesenthal Center expresses outrage over the agreement between Argentina and Iran regarding the AMIA attack that will cover up the main sponsor of terrorism], *Itongadol*, 01/28/2013).

In light of this initial rejection from the Jewish community when it became aware of the signing of the Memorandum of Understanding with Iran, Timerman tried to immediately reverse this reaction and dauntlessly sought the support of Jewish institutions. According to community leaders interviewed by Gabriel Levinas, Timerman had told them: “...*I need this; because otherwise they will throw me out...I need the photo...*” (Levinas, Gabriel, *op.cit.* pp. 249–250 and 283). In this context, the false promise of the addendum to the agreement appeared.

This spurred a new manipulation of the victims, relatives, and community entities. This time it was undertaken by Foreign Minister

Timerman, and took place on January 29, 2013, when the foreign minister sought a rapprochement with these key players, who were seeking an addendum to the Memorandum of Understanding that would specify, among other things, that its application would in no way affect the validity of the red notices. (Kollmann, Raúl, “Los iraníes se someterán a la ley argentina” [The Iranians will submit to Argentine law], *Página 12*, 01/30/2013).

After the meeting, the president of the AMIA at the time, Mr. Guillermo Borger, publicly stated: “*the foreign minister is open to drafting a clarifying memo, a memo appended with all of these unanswered questions and that he himself will sign...*” (Statements of Guillermo Borger to the Agencia Judía de Noticias [Jewish News Agency], “Borger después de la visita de Timerman a la AMIA” [Borger after Timerman’s visit to the AMIA], 01/29/2013). Another media outlet stated: “*The foreign minister answered all questions and promised to sign an addendum that clarifies these concerns himself, in person, and probably with the president*” (“Timerman: es un gesto de ignorancia decir que cedemos soberanía” [Timerman: It is a sign of ignorance to say that we are giving up sovereignty], *La Nación*, 01/29/2013). It was also reported: “*...Borger confirmed that during the meeting on Tuesday at the AMIA with Foreign Minister Héctor Timerman, a type of draft of that addendum was prepared, and they are already working on the final document. The addendum, that must also be approved by Iran, and that would bear the signature of President Cristina Kirchner, must be ratified by Parliament...*” (“La AMIA pide que las promesas de Timerman sean anexadas por escrito al acuerdo original” [AMIA requests that Timerman’s promises be attached in writing to the original agreement], *Clarín*, 01/30/2013).

Specifically, in an official communiqué, the AMIA requested a written addendum to the memorandum that would ensure, among many other matters, that the Tehran hearings would be investigative statements pursuant to Argentine law, and taken by Argentine authorities, and that the procedure established in the agreement does not withdraw the Interpol red notices. The AMIA communiqué indicated precisely that Minister Timerman had agreed to make the necessary efforts in order to agree upon those points with Iran, and, consequently requested “*...that this interpretation of the Memorandum signed by both countries be formally recognized by the Islamic Republic of Iran and that it be*

sent, as an addendum, forming an important part of the Memorandum of Understanding that will be submitted for [parliamentary] approval...” (“AMIA informa a la opinión pública sobre las conclusiones de la reunión mantenida con el canciller Timerman en el día de ayer” [AMIA informs the public regarding the outcome of the meeting held with Foreign Minister Timerman yesterday], *Prensa Judía*, 0130/2013; “(“La AMIA pide que las promesas de Timerman sean anexadas por escrito al acuerdo original” [AMIA requests that Timerman’s promises be attached in writing to the original agreement], *Clarín*, 01/30/2013).

In turn, the “Memoria Activa” group also issued a communiqué that stated: “...*Memoria Activa arrived on Tuesday, 1/29 at a meeting called by Minister Héctor Timerman, at the AMIA headquarters. At this meeting, Minister Timerman clarified the terms of the agreement with regard to the following points, that form the non-negotiable bases of the agreement, and that shall be ratified by the Argentine government in writing: 1. The accused shall be investigated in Tehran under the Code of Criminal Procedure of the Argentine Republic, by the judge and prosecutor in the AMIA case. 2. The red notices and arrest warrants from Interpol for the accused parties shall remain in effect...*” (Public communiqué from “Memoria Activa” dated January 31, 2013). In statements to the press, Adriana Reisfeld of “Memoria Activa” added: “*This was spoken about and Timerman said that it was going to be this way. He agreed to these points.*” (Cappiello, Hernán, “Timerman se molestó con la AMIA por sus exigencias” [Timerman is upset with AMIA’s demands], *La Nación*, 2/1/2013).

And as part of their concerns and demands regarding the Memorandum, the Jewish communities in the entire country expressed that “*in no instance in these proceedings will there be the risk that the red notices issued by Interpol could become invalid*” (“La AMIA pide al gobierno que rehaga el memorándum con Irán” [AMIA asks the government to rewrite the memorandum with Iran], *La Nación*, 2/1/2013).

However, the foreign minister denied having agreed with the victims, relatives, and community leaders to prepare an addendum to the agreement (“La AMIA pide al gobierno que rehaga el memorándum con Irán” [AMIA asks the government to rewrite the memorandum with Iran], *La Nación*, 2.1.2013; Cappiello, Hernán, “Timerman se molestó con la AMIA por sus exigencias” [Timerman is upset with AMIA’s demands], *La Nación*, 2/1/2013).

Now, in both cases, both the presidential promise to consult with the relatives, victims, and political forces represented in

Parliament BEFORE moving forward with an agreement with Iran, as well as the immediately refuted promise by the foreign minister regarding the preparation of an addendum to the Memorandum, are public and obvious examples of the manipulation engaged in by public officials involved in the cover-up alleged herein, essentially aimed at building support for the agreement with Iran.

The actions of President Kirchner and the foreign minister described in this point are schemes deliberately aiming to deceive. All of this was for a sole and criminal purpose: to achieve binding immunity for the accused and cease all jurisdictional activity against them, in order to make the larger objective viable: free trade on a state level and geopolitical rapprochement with the Islamic Republic of Iran without tolerating any type of reproach from Argentine society.

In summary, in order to successfully implement the agreement with Iran and achieve binding immunity for the accused, the promise to consult prior to any agreement and the commitment to negotiate an addendum to the agreement had to be breached. [The public] was made to believe that a consensus would be sought from the entire political spectrum in order to reach an agreement, but in fact the multiple and extended opinions against the Memorandum were ignored. And as we will see in the following paragraph, stage management was engaged in to demonstrate false diplomatic progress to Argentine society.

b.2) Stage management

After the presidential speech during the opening session of the 68th United Nations General Assembly, Dr. Fernández strongly urged Iranian authorities to respond to the Argentine petitions regarding the agreement signed several months before. (See Speech given by Cristina Fernández, 68th United Nations General Assembly, September 24, 2013). No Iranian representative was present in the room to hear Dr. Fernández, and, unlike her, President Hassan Rohani did not even mention the issue during his speech. Clear

circumstantial evidence, at that stage in the events, of Tehran's scant interest in the agreement signed with our country, once the possibility of withdrawing the red notices had been precluded.

Indeed, the demands listed in the preceding paragraph were made on the night of Tuesday, September 24, 2013. According to what Timerman said two days later, on Thursday the 26th, the Argentine diplomatic corps received a call from the Iranian foreign minister in order to confirm a meeting on Saturday the 28th (Miri, Ignacio, "Timerman dijo que Irán aprobó el pacto por la AMIA, pero aún no rige" [Timerman states that Iran has approved the AMIA agreement, but that it has yet to take effect], *Clarín*, 09/29/2013: "Timerman se reunirá con su par de Irán en la ONU" [Timerman will meet with his counterpart from Iran at the United Nations], *Prensa Argentina*, 09/26/2013). "I just received a call from Foreign Minister Javad Zarif in order to meet on Saturday regarding the AMIA issue," announced Timerman in a press conference with journalists in New York ("Argentina e Irán reactivan el diálogo para avanzar en la causa" [Argentina and Iran reactivate the dialogue to advance the cause]. *La Capital*, 09/27/2013).

Other media outlets wrote the following words about the foreign minister: "A few minutes ago we received a call from the authorities of the Islamic Republic of Iran requesting to hold a meeting at the United Nations, between the two foreign ministers, in order to discuss the issue of the Memorandum..." (Cibeira, Fernando. "Cara a cara para dialogar sobre el memorándum" [Face to face to discuss the Memorandum], *Página 12*, 27/2013).

Furthermore, the foreign minister stated that the purpose of the meeting was: "...to find out the current state of the Memorandum pursuant to Iranian legislation, in other words, if it was approved by Congress or not. If it was approved by Congress, then, to establish the framework within which we are going to formalize the date to set up the Commission, and at the same time, the judicial authorities' visit to Tehran...and if it was not approved, when it will be approved..." ("Timerman se reunirá con su par de Irán en la ONU" [Timerman will meet with his counterpart from Iran at the United Nations], *Prensa Argentina*, 09/26/2013; Cibeira, Fernando "Cara a cara para dialogar sobre el memorándum" [Face to face to discuss the Memorandum], *Página 12*, 27/2013).

Thus, the concern and expectations surrounding the need to find out what the Iranians would later say about their president's bold and public claim was transmitted to the people. Her speech demonstrated that Iran had to confirm whether

the agreement was approved, when the Truth Commission would be constituted as established in its text, and when the Argentine judicial authorities would travel to the hearings in Tehran.

Meanwhile, a parallel diplomatic effort made of up alternate negotiating and communications channels between the two governments was activated so that reality would adjust to the interests of the parties to the cover-up. By orders from Cristina Fernández and Héctor Timerman, on Friday, September 27, 2013, one day before the meeting with his Iranian counterpart, Luis D'Elía called Jorge "Yussuf" Khalil, stating: *"...I have an urgent message from the Argentine government, to deliver to them urgently, before tomorrow...I am at the Presidency now...let's go to the Embassy...Believe me, there is nothing more important than this..."* (Conversation of 9/27/13, telephone no. 11-3238-4699, File B-1009-2013-09-27-103753-14, CD 161).

The Presidency of the Nation wanted to communicate with Tehran very urgently, one day before the meeting between the foreign ministers, and through unofficial channels. The message was not transmitted by Palacio San Martín [San Martín Palace] to the office of the Iranian foreign minister. Héctor Timerman did not communicate with Mohammad Javad Zarif Khonsari. It could not be done that way. But instead, the message left the presidential office of Dr. Fernández, it reached Luis D'Elía, then went to Jorge "Yussuf" Khalil, the Iranian chargé d'affaires in Buenos Aires, and from there to Tehran. Secret. Hidden. Completely unprecedented. Part and parcel of the criminal plan being carried out.

In fact, Jorge "Yussuf" Khalil called the Iranian Embassy and stated that he needed to see the chargé d'affaires urgently: *"...I need to speak with him for fifteen minutes, I need to give him a message...it's urgent... urgent...it's about the Argentine government, they sent a message for him...they just called from the Casa Rosada."* (Conversation of 9/27/13, telephone no. 11-3238-4699, File B-1009-2013-09-27-104209-26, CD 161).

Furthermore, Luis D'Elía urged the presence of Khalil, given that, additionally, he wanted a *"notice to the other side"* to be given, so, he would add: *"I need you to talk to the Sheikh over there,"* referring to Mohsen Rabbani, clarifying

in another call: “...look, what I have it is big, ok? I was asked...” (Conversation of 9/27/13, telephone no. 11-3238-4699, File B-1009-2013-09-27-114113-28, CD 161; File B-1009-2013-09-27-104245-8.txt, CD 161). Once again, the accused Mohsen Rabbani was immediately made aware of the messages from Cristina Fernández.

The chargé d’affaires of Iran communicated to Khalil that he did not want him to be present in the meeting with the “*people from the government,*” given that he wanted to meet with Khalil in private (Conversation of 09/27/2013, telephone no. 11-3238-4699, File B-1009-2013-09-27-104852-14.wav, CD 161). Khalil reported that he had coordinated, then, so that the Iranian diplomat would receive D’Elía: “...*I talked to the Ambassador,¹⁶ and there is no problem, he will receive him...*” by Luis D’Elía (Conversation of 09/27/2013, telephone no. 11-3238-4699, File B-1009-2013-09-27-110437-18 CD 161).

The chain of “intermediaries” was activated at the request of Dr. Fernández. The motive? Khalil explained it this way: “... *She needs the Iranian government, together with the Argentine government, to announce the constitution of the Truth Commission tomorrow...that please, announce it together tomorrow at the meeting...that the Truth Commission be defined on the day of the meeting as well as the day, in January, when the Argentine judge can travel to Tehran...*” (Conversation of 9/27/13, telephone no. 11-3238-4699, File B-1009-2013-09-115448-6, CD 161). As D’Elía emphasized: “...*that tomorrow they both announce...*” (Conversation of 9/27/13, telephone no. 11-3238-4699, File B-1009-2013-09-27-114113-28, CD 161).

These conversations show three issues. First, and once more, the overriding interest of the parties to the cover-up in moving forward with the plan. The issue was not part of Iran’s agenda in New York: “...*the meeting is being held urgently at Cristina’s request...*” and “...*note that Rohani did not even speak about the AMIA issue in his speech...*” (Conversation of 0927/2013, telephone no. 11-3238-4966, File B-1009-203-09-27-115448-6, CD 161).

¹⁶ The chargé d’affaires posted in Buenos Aires is called the Ambassador given that he is currently the highest-ranking official within the Embassy.

Some of the contacts that participated in these negotiations understood, one day before the summit between the foreign ministers, and still not knowing Tehran's answer, that the Iranian authorities were not going to grant what President Fernández was secretly requesting, and that furthermore, Argentina's public attitude of "rushing" the Iranians was *pour la galerie* or "for the public" (Conversation of 09/27/2013, telephone no. 11-3238-4966, File B-1009-2013-09-27-115448-6, CD 161).

Secondly, it became evident that there were things discussed and arranged beforehand, without making the public aware of them; with which they sought to deceive using stage management, false negotiations, hidden agreements, etc. It is understandable that a difficult situation must be handled with discretion. But discretion, in this case, was used solely to deceive and to hide illegal activities. It was being used to feign and not be discovered.

Third, this evidence shows that everything was arranged behind the scenes, without anyone being aware of it, and that in reality, no secrets or expectations existed, because the Argentine authorities knew what would happen at the summit. "*Pour la galerie*" would take care of what was previously agreed upon with Tehran, even though it was not exactly what had been requested by the presidential office of the Casa Rosada, as it appears from the conversations transcribed herein. Through a parallel channel, through which this cover-up was also carried out, Luis D'Elía called his friend Jorge "Yussuf" Khalil, Iran's go-to contact in the country, in order to give him a message to take to Iran, regarding what the president needed the Iranians to announce at the meeting, in order to deceive the population regarding the true status of the situation.

The meeting on Saturday, September 28, 2013, between Timerman and the brand-new Iranian Minister of Foreign Affairs Mohammad Javad Zarif Khonsari, at the headquarters of the United Nations in New York, was a *mise en scene*; in other words, a staging so that the people would truly believe that they were negotiating something and/or that the Argentine diplomatic corps was getting results based on the recent public demand by President Kirchner.

As already indicated, it is true that the Argentine authorities had requested – through unofficial channels – a joint announcement from both foreign ministers, and definitions regarding various matters, something that was, apparently, overly ambitious. But the Iranians, in what could have been “...a gesture...towards the Argentine government on the eve of elections...” (Conversation of 09/27/2013, telephone no. 11-3238-4699, File B-1009-2013-09-27-135214-22, CD 161), only agreed that it would be announced publicly, although not jointly, that Iran had approved the Memorandum with the support of the Supreme National Security Council and the Supreme Leader, although that was not true. Again, “*pour la galerie*”.

That Saturday the 28th, the foreign ministers had two meetings, with intermissions for consultations with their leaders. They did not exchange diplomatic notes. The treaty did not take effect. No term was defined regarding the Truth Commission, or regarding the hearings in Iran. There was no joint announcement. No Iranian authority declared anything officially.

After the meetings, Foreign Minister Timerman spoke with the press and explained that his counterpart, the Iranian foreign minister, had assured him that the Memorandum was internally approved by the National Defense Council, with the president of Iran at the head and the support of the Supreme Leader. And that technical teams would meet in Switzerland during the first two weeks of November in order to oversee the implementation of the agreement (Miri, Ignacio, “Timerman dijo que Irán aprobó el pacto por la AMIA, pero aún no rige” [Timerman states that Iran has approved the AMIA agreement, but that it has yet to take effect], *Clarín*, 09/29/2013; Pisani, Silvia, “Irán le confirmó a Timerman que ya aprobó el acuerdo” [Iran confirms to Timerman that it has already approved the agreement], *La Nación*, 09/29/2013; “Timerman anunció nueva reunión con Irán en noviembre” [Timerman announces new meeting with Iran in November], *Prensa Argentina*, 09/28/2013; “Timerman ratificó la aprobación del memorándum de entendimiento con Irán y un nuevo encuentro” [Timerman confirms approval of memorandum of understanding with Iran and a new meeting], *Télam*, 09/28/2013; “Irán aprobó el memorándum de entendimiento por la AMIA” [Iran approves memorandum of understanding over the AMIA], *Página 12*, 09/28/2013).

IRNA, the official news agency of the Islamic Republic, gave a statement regarding the meeting between the two Ministers, but it did not say anything regarding the approval of the Memorandum, but rather merely stated that a meeting had been

arranged for November in Geneva, Switzerland. (IRNA, “Zarif continues talks with counterparts in New York,” 09/29/2013). In other words, Iran accepted the meeting and did not deny Timerman’s statements, but went no further.

In fact, in Iran, the supposed approval of the agreement was only communicated by the “Tehran Times,” which used the official Argentine news agency, T  LAM, as its only source for this news. Unprecedented. The Iranian newspaper “Tehran Times,” one of the most important newspapers in Iran, in its duty to inform the people regarding a decision taken by the government of its country, referred to the official news agency of another country as its source, Argentina (“Argentina says Iran committed to probing 1994 bombing,” *Tehran Times*, 09/29/2013; “Timerman ratific   la aprobaci  n del memor  ndum de entendimiento con Ir  n y un nuevo encuentro” [Timerman confirms approval of memorandum of understanding with Iran and a new meeting], *T  lam*, 09/28/2013). How is it possible that the source is not Iranian? How can it be that T  LAM is the source used by the “Tehran Times” for a government act decided upon and produced in Tehran?

In this incident, as in others, the performance of the foreign minister was a show for the media, since everything was known beforehand. Everything was prepared, negotiated, and distorted beforehand. In secret. Through parallel and semi-official channels that, as will be shown later on, were very important in pulling off the cover-up alleged herein. While the Argentine Republic was waiting for the results of the foreign minister’s meeting in New York, at the Casa Rosada, they already knew what would happen and that all of it was an act. That was not important: what was important was what was communicated to the public and, obviously, the deceit.

Now, all of the elements described in this section must be interpreted as a whole and based on the central issue: the parties to the cover-up always needed to have the greatest support possible from the public in order to facilitate the implementation of their criminal plan. Given the special characteristics of the cover-up alleged herein and the institutional role of many of its perpetrators and participants, the weight of public opinion in backing the Memorandum of Understanding, and

the need for it to remain far from the true objectives sought through that instrument, have characterized the public actions and reactions of the involved parties.

In summary, it is important to point out the falsehoods and other ploys engaged in by President Kirchner and her foreign minister in order to conceal their criminal plan: 1) the case is paralyzed, 2) the AMIA case will not be used as a pawn of international geopolitics, 3) there is nothing to lose by applying the Memorandum of Understanding, 4) the agreement does not contain secret clauses, 5) the instrument allows the accused Iranians to give investigative statements in court, 6) there are no trade interests behind this agreement, 7) Iran cannot be traded with because it is prohibited by the United Nations, 8) the relatives and victims should be consulted prior to making any decision regarding the Iranian proposals, 9) an addendum to the Memorandum of Understanding will be signed that ensures the validity of the red notices, 10) the negotiations with Iran were started at the urging of Tehran, 11) the negotiation process began in September 2012.

c) Other paths in aid of the immunity plan

The campaign to put the cover-up in motion was not only media-based; evidence has been obtained that shows the intentions by the participants to the cover-up to remove the undersigned from his position at the head of the Prosecution Unit investigating the attack on the AMIA headquarters, as a way to smooth the path even more in order to carry out their criminal objectives.

One of the channels chosen for this case was to use the falsely concocted theory from a certain sector of the Intelligence Secretariat in order to blame new made-up perpetrators for the attack, as a mechanism to discredit the work of the undersigned. In other words, if this false theory had prevailed as the truth, that would imply, additionally, that the work of the Prosecution Unit had been wrong, or even worse, intentionally wrong.

Consequently, an attempt to remove the undersigned would be more easily sustained.

Specifically, the evidence has revealed: “...*there is going to be another theory with other evidence*”. And in that scenario, it was said that the undersigned is going to be completely disoriented due to the new theory based on false evidence that, obviously, was not attached to the case. It was said: “...*he’ll have his head up his ass, because he never saw it, the evidence...what is going to come out now...is it really convincing evidence...*” (Conversation of 06/01/2013, telephone no. 11-3238-4699, File B-1009-2013-06-01-224726-18, CD 43). Indeed, it was known that in order to discredit the undersigned and the investigation carried out according to law, in order to advance the cover-up benefiting the accused Iranians, they needed to invent a new – and false – theory, with “evidence” never before seen, never before filed in this case.

It can be concluded from these statements by “Allan” that for those behind this cover-up, a key objective has been to remove the undersigned, through either personal discrediting, and/or the discrediting of the investigation, using – as it appears from the plans – made-up theories with false evidence.

There is other circumstantial evidence that indicates an interest in removing this complainant. As was said, discrediting the investigation is a necessary step for the plan, the execution of which would be enormously helped – without a doubt – by the absence of the person in charge of the investigation of this international act of terrorism.

Khalil knew why “Allan,” his contact at the Intelligence Secretariat, with access to the presidential inner circle, had told him that they were planning on creating “*another theory with other evidence*,” that would thus discredit the undersigned (Conversation of 06/01/2013, telephone no. 11-3238-4699, File B-1009-2013-06-01-224726-18, CD 43). Then, based on the statement issued by the AMIA Prosecution Unit on May 29, 2013, that specifically delves into the evidence and provides new facts regarding the participation of Iranian government officials in the attack, Khalil claimed: “...*they are the last flailings by a drowning man that this idiot can pull off...*”

(Conversation of 06/01/2013, telephone no. 11-3964-0799, File 61.30373.20130601.225511, CD 86).

On July 16, 2013, two days from the anniversary of the attack, the undersigned gave a talk at the headquarters of the Hotel Intercontinental in Buenos Aires, before a large audience that included national and local legislators, journalists, and international legal experts, within the framework of a conference organized by the Latin-American Jewish Congress.¹⁷ In reference to that statement, Jorge Khalil, who spoke with Alejandro José Salomón, said: “...*I am listening to Nisman...how he killed us a bit!...yes, yes, he killed us well, eh...for a change, yes, yes, to change it up he killed us well...*” and Salomón responded to him: “...*well, it is increasingly less credible, and the involvement by that guy is progressing...*” (Conversation of 07/17/2013, telephone no. 11-3238-4699, File B-1009-2013-07-17-134828-28, CD 89). These words correspond to certain emerging facts from those dates that referred to the possibility of involvement by this Prosecution Unit (“Estudian intervenir la fiscalía del caso AMIA” [Prosecution Unit studies involvement in AMIA case], *Perfil*, 07/14/2013).

This clearly shows the underlying objective of distancing the undersigned from the position he has been exercising, and, consequently, from the AMIA cause, which is consistent with the expressions listed in the previous paragraph. That would, without a doubt, help the cover-up plan described and alleged herein.

Among the facts listed in this section, it is proven that a fierce discrediting campaign was launched against the investigation of the case, seeking to poke holes in the legal version of the facts, and that was combined with a campaign of deceit made up of fallacies, staging, lies, denial, and false promises; the victims and the relatives of the attack were manipulated; an effort was made to separate the undersigned from his position in the Prosecution Unit investigating the attack, for the purpose of keeping

¹⁷ See: Ortelli, Ignacio. “Nisman ratificó sus sospechas sobre Irán” [Nisman ratified his suspicions regarding Iran], *Clarín*, 07/17/2013; “Nisman: no hay forma de detener la investigación” [Nisman: there’s no way to halt the investigation]. *Página 12*, 07/16/2013; “Informe del fiscal del caso AMIA” [Report by the Prosecutor of the AMIA case], *La Nación*, 07/17/2013; “No hay forma de detener la investigación por la AMIA” [There is no way to halt the AMIA investigation], *Ámbito Financiero*, 07/17/2013.

the public from finding out the entity behind the true underlying purpose of the agreement with Iran: the cover-up.

d) Gestures and other favors: ingredients to facilitate the immunity plan.

The perpetrators of this cover-up were always clearly aware that an important part of the cover-up consisted of currying favor with the authorities of the Iranian government and its local leaders, given that acquiescence, or even better, the support of these players, would help to move the criminal plan forward, due to its peculiar characteristics.

Naturally, the issue regarding the withdrawal of the red notices, as was already indicated, was of crucial interest for Tehran, and created friction between the parties involved in the cover-up and those being covered up. On the other hand, the establishment of communication and negotiation channels parallel to the official ones also became a primary resource to strengthen the relationship and understanding with Tehran, towards making progress in the illegal plan.

However, the actions used to curry favor with the Iranians, and thereby move along the criminal plan, were not limited to these two points; but rather the granting of a series of concrete favors has been noted, such as: assistance with government paperwork, promises of jobs, and access to important contacts; all of these obtained from local Iranian leaders, as gestures of good faith and trust, in order to ultimately favor the immunity plan.

These “favors” fundamentally show the interest of President Kirchner in keeping her relationship with the Iranian contacts on good terms, in order to move forward with her illegal plan. And it is along those lines that this should be interpreted.

On May 28, 2013, Adalberto Assad had a meeting at the Ministry of Justice, which he immediately reported to his mentor, Jorge “Yussuf” Khalil: “...*I just left the Ministry of*

Justice a bit ago...I have some good news...I need to see you...I need to talk to you...” within the context of a series of protocol visits to official government bodies, including the Ministry of Foreign Affairs, by several representatives that answer to Iran (Conversation of 28/5/2013, telephone no. 11-3238-4699, File B-1009-2013-05-28-141635-26.txt, CD 39).

The fugitive Mohsen Rabbani, who – as was already proven – has participated actively in the negotiations with the parties involved in the cover-up of his role, was immediately made aware of this rapprochement and the novelty of having “open doors” at the most important offices of the country.

On that occasion, Assad reported to Rabbani regarding a meeting with a national minister: “... *we are seeing lots of good things...meeting with the foreign minister, it surprised me today, because of an important opening towards the collective...this is politics, Sheikh...We are working for...the government, now we are working because the foreign minister is going to speak with the President [Kirchner], he told me today, so that I am received...I am looking forward to seeing the President [Kirchner]..*”. Rabbani understood that: “...*we...had talked with Argentina...Iran was Argentina’s top buyer and now it hardly purchases anything...but...this situation can change with you all and with the government,*” alluding to the current Iranian leaders in Argentina, such as Khalil, and the authorities present in the Argentine government (Conversation of 5/28/13, telephone no. 11-3238-4699, File B-1009-2013-05-28-155549-2, CD 39) .

In fact, days before this meeting at the justice department, the accused Rabbani had received a message sent by Cristina Fernández, through Minister De Vido and intermediaries Luis D’Elía and Jorge Khalil, who expressed interested in obtaining oil. (Conversations of 05/20/2013, telephone no. 11-3238-4699, File B-1009-2013-05-20-111124-8, CD 31; File B-1009-2013-05-20-114842-2, CD 31; File B-1009-2013-05-20-122551-14, CD 31; File B-1009-2013-05-20-132253-6, CD 31; File B-1009-2013-05-20-133130-8, CD 31; File B-1009-2013-05-20-143508-24, CD 31).

Driven by the blind need of the Argentine authorities involved in this plan to move forward with the cover-up ploy, the local leaders of the Iranian government began to gain access to the offices of various government officials in Cristina Kirchner's administration. Through an agent identified as "Allan," a member of her inner circle, the representatives of Tehran in Argentina were able to obtain favors and preferential treatment for all types of government paperwork. In this way, they used the tools and leveraged their brand-new contacts with local political powers.

For example: "Allan" promised Khalil positions for members of the Shia community at the National Customs Office and at the Ministry of the Interior and Transportation, "...*there must be changes in transportation and customs and there they are going to try to place...ten people on each side*" (Conversations of 7/4/13, telephone no. 11-3238-4699, File B-1009-2013-07-04-112603-6.txt, CD 76, and of 7/7/13, telephone no. 11-3238-4699, File B-1009-2013-07-07-152130-22, CD 79). Khalil also requested favors for his contacts in Customs (Conversation of 05/24/2013, telephone no. 11-3238-4699, File B-1009-2013-05-24-175330-20.txt, CD 35).

At one time, Fernando Esteche advised Khalil that in order for the "whitewashing" with the local Iranian community to have greater public visibility, he needed to request gestures from the government, such as, "...*having them invite or start to invite them to events at the Casa Rosada as spokespersons for the community...*" or "...*that President Kirchner go a day for Ramadan, for breakfast...*" and added, "...*that the president go...that is easier for 'Allan'...*" (Conversation of 12/18/2012, telephone no. 11-3315-6908, File B-1009-2012-12-18-183332-8, CD 226). They sought to generate greater publicity for the rapprochement.

On another occasion, faced with tax problems with AFIP [Administración Federal de Ingresos Públicos – Federal Public Revenue Administration], members of the community appealed to Jorge Khalil, who, through Luis D'Elía, guaranteed direct contact with the Federal Public Revenue Administrator, Ricardo Echegaray, in order to resolve the problem

(Conversation of 11/21/13, telephone no. 11-3238-4699, File B-1009-2013-11-21-210631-26, CD 216).

And a similar outcome was obtained, namely contact with Ricardo Echegaray, through efforts by “Allan,” who, in light of a request from Khalil said to him: “... *there’s no problem...come with me...*” (Conversation of 06/13/2013, telephone no. 11-3238-499, File B-1009-2013-06-13-213124-24, CD 55).

It is worth pointing out that these “favors” found, on more than one occasion, the desired *quid pro quo*; that is, it translated into approval by local Iranian leaders, such as Jorge Khalil, who, on more than one occasion, expressed his support for the Argentine government and acted accordingly so as to strengthen the bonds between Tehran and Buenos Aires, contributing to move the cover-up plan forward. It is along these lines that the following statements should be understood: “...*we have to put up a fight there, I am telling him, with the government people, to support the government...*” (Conversation of 2/14/13, telephone no. 11-3315-6908, File B-1009-2013-02-140164341-10, CD 284).

And it is also along these lines that, for example, the episode that took place in November of 2012 should be understood, before signing the agreement, when Luis D’Elía and Andrés Larroque requested that Jorge “Yussuf” Khalil not participate in a protest organized by leftist parties in defense of the “Palestine cause,” because that type of action could have repercussions for the new bilateral relationship. Khalil agreed to the request and explained the reasoning behind his acquiescence: “...*I think that the Trotskyists are going to start with messages against the government, which is something that I do not want...we do not want something that will cause irritation...we don’t want to irritate the Argentine government...I am not going to do anything to irritate the Argentine government...we are creating a bigger problem for ourselves...*” obviously alluding to the charges against the Iranians for the AMIA attack (Conversation of 11/16/2012, telephone no. 11-3315-6908, File B-1009-2012-11-16-225815-2, CD 194).

On the same topic, he explained: “...*This morning I had a meeting with government members, they asked me to please not go to the*

meeting...” and they said to him: “...*knock off this ruckus, because the issue of...it could have repercussions for the relationship that is being established, the conversations that we are having in Geneva...*” clearly referring to the diplomatic round-tables that would lead to the signing of the Memorandum of Understanding (Conversation of 11/17/2012, telephone no. 11-3315-6908, File B-1009-2012-11-17-183444-8, CD 195).

Finally, regarding the same episode, Khalil said: “...*we are in full negotiations with the government...because in light of the negotiations that are ongoing between Iran and Argentina, we don’t want to be seen as meddling. Besides, this was a request from the government. I was talking with D’Elía and with ‘el Cuervo’ Larroque and they asked me to do this and I got the message to Safir...and Safir told me the same thing...’let’s not do something that might bother them’...*” (Conversation of 11/18/2012, telephone no. 11-3315-6908, File B-1009-2012-11-18-095153-16, CD 196).

Now, these requests and favors by the Tehran’s local contacts would have been unthinkable if the ostensible political spin and subsequent rapprochement by the Argentine authorities did not exist, as was already proven herein.

In fact, numerous pieces of evidence were also obtained that show – specifically – this new political position of the “Argentine government”. Again, it is worth pointing out that political decisions are not being analyzed nor evaluated here. The value that is attributed to the statements transcribed below lies in the fact that they reveal, once more, that reality was significantly distant from that which was communicated to the public. While we Argentines were being told that they had managed to overcome, in a certain way, the historical Iranian reluctance to collaborate with the judicial cause and that Tehran was cooperating – in some way – with the Argentine requirements; what is true is that the message received in Tehran was different: Dr. Fernández had decided to guarantee the immunity of the Iranians accused of the terrorist attack, as a prologue to trading for Iranian oil. And she was open to ingratiating herself with the Iranian government.

That was the message received in Tehran, and their local contacts expressed it as such: “...because the government is now open to...” (Conversation of 6/6/2013, telephone no. 11-3238-4699, File B-1009-2013-06-06-092046-14, CD 48; “...the government banks...” (Conversation of 05/30/2013, telephone no. 11-3238-4699, File B-1009-2013-05-30-225622-30, CD 41); “...we are well. They came out to defend us, directly...” was said on an occasion during a debate regarding parliamentary approval of the agreement with Iran (Conversation of 2/14/13, telephone no. 11-3315-6908, File B-1009-2013-02-14-164341-10, CD 284).

On the same day that the agreement was signed with Iran, Jorge Khalil celebrated “...this agreement...this new relationship...this new phase...” clearly referring to the new context of rapprochement with the Argentine government (Conversation of 01/27/13, telephone no. 11-3315-6908, File B-1009-2013-01-27-112032-4, CD 266). Several days later, Khalil again emphasized this significant change in position: “...look at who the government is working things out with,” alluding to the rapprochement between Iran and Argentina (Conversation of 2/3/2013, telephone no. 11-3315-6908, File B-1009-2013-02-03-141619-26, CD 273).

In July of the same year, the joyful statements about the new position with regard to Iran continued. Khalil, on the day of the most recent anniversary of the AMIA attack said: “...we are...looking at an agreement with the national government...behind a negotiation with the national government...” and from the entire conversation it is clear that they are not solely referring to the Memorandum of Understanding, but rather to an underlying and much broader arrangement (Conversation of 07/18/13, telephone no. 11-3238-4699, File B-1009-2013-07-18-155916-12, CD 90).

At the event for Al-Quds Day,¹⁸ Abdul Karim Paz said, with regard to the AMIA cause and in reference to the Memorandum of Understanding signed with Iran, that: “...Argentina has understood how things are, it wants to turn the page and break free from what the United States and

¹⁸ World Al-Quds Day symbolizes the unity of nations, particularly, those of Muslims, with purpose of supporting Palestinians against the United States and Israel.

Israel say...” (Dinatale, Martín, “D’Elía y Esteche reivindicaron a la agrupación terrorista Hezbollah” [D’Elía and Esteche championed the terrorist group Hezbollah], *La Nación*, 08/13/2013).

Most recently, in February of 2014, Khalil continued informing Rabbani: “...*we are working hard on the politics there...*” (Conversation of 2/4/14, telephone no. 11-3238-4699, File B-1009-2014-02-04-093431-30, CD 291).

The local contacts of the Islamic Republic had interpreted the actions of the “Argentine government” as favorable to the position and interests of Tehran: the “Argentine government” was now supporting their interests, in other words, the exoneration of the Iranian citizens in the court case, and consequently, the distancing of Iran and the local Iranian community from suspicion for their participation in the attack.

The parties involved in the cover-up assumed that the Iranians would be exonerated, with the consequent “whitewashing” of the community, and began to plan future projects. In that sense, “Allan” stated: “...*there are so many issues that we need to starting putting them together...with intelligence...we are doing well and we need to work calmly...we need to do a project there over the course of 10 years...you know what I mean? That in a year and a half we should have good news, but there we need to carry out a long-term project...*” (Conversation of 2/6/2013, telephone no. 11-3315-6908, File B-1009-2013-02-06-203822-26, CD 276). Sometime later, the Iranian agents continued operating with the same idea: “...*It’s a long-term issue, to be worked on well...We need to install a bit, four, five ‘true’ sources, they must be put in place...*” (Conversation of 10/3/2014, telephone no. 11-6224-0263, File B-1009-2014-10-03-223900-28).

Note that “Allan” and Khalil were sure that the Iranians were going to be free from criminal charges, “*that in a year and a half we should have good news*” is the unequivocal expression that reflects this thought. They had already assumed that that obstacle would be removed and were focused on another horizon, another step up, strategically thinking several years ahead.

Without a doubt, these were not two parties negotiating an agreement, as they wanted to present publicly, but rather two partners seeking to erase, in the most credible way possible, criminal charges for a crime against humanity.

VI. Parallel channels of communication and negotiations

The criminal plan demonstrated and alleged herein should in no way be confused with diplomatic negotiations, although its execution has included formal diplomatic contacts. It is true that the criminal nature of the plan is also evidenced by the need to leverage these unofficial, parallel channels as concrete, efficient, and trustworthy routes in order to move forward with the true purpose behind the rapprochement and the formal diplomatic negotiations: immunity for the Iranians charged in the AMIA case.

As was previously stated, there are multiple pieces of evidence that corroborate the existence of communication and negotiation channels that are parallel to the official ones, even though they are interconnected, to facilitate contact between Tehran and Buenos Aires for criminal purposes. In referring to a specific message, Khalil illustrated just this, saying: “...*they gave me a piece of information that needs to be worked on, they told me what I need to communicate...well, boys, send this to the liaisons over there so they can talk with the liaisons over here...*” (Conversation of 11/4/12, telephone no. 11-3315-6908, File B-1009-2012-11-04-130024-6, CD 182). In other words, the parallel channels had “*liaisons over here*” and “*liaisons over there*”.

This evidence exposes a group of individuals closely tied to current and former officials of both governments, who, from the shadows, contributed strategically and substantially with the actions necessary to move the planned criminal objective forward. Among them, it is worth highlighting the active participation of Luis

Ángel D'Elía, Fernando Luis Esteche, Jorge Alejandro “Yussuf” Khalil, National Legislative Deputy Andrés Larroque, Héctor Luis Yrimia and the individual identified as “Allan,” who belonged or was linked either officially or unofficially to the Intelligence Secretariat, who could in fact be Ramón Héctor Allan Bogado, if that is his real name or the one he uses in his intelligence work.

The individuals implicated in the cover-up scheme are connected. Note that Jorge “Yussuf” Kahlil communicated diligently with D'Elía, Esteche, “Allan,” and Yrimia and met with Larroque on various occasions. “Allan” and Yrimia, in turn, report to the same division of the Intelligence Secretariat. These two individuals were introduced to Khalil by Fernando Esteche, implying that he had previously known them. The links between D'Elía and Larroque, D'Elía and Esteche, and Larroque and Esteche are public knowledge.

While it is a tongue-twisting and cumbersome task to read about these relationships, they provide a concrete demonstration of the fact that these individuals not only know each other; they have jointly carried out activities and, according to the evidence presented throughout this criminal complaint, all of them have participated in the cover-up plan. The close and intimate connections among the parties to the cover-up plan has been revealed.

However, there is plenty of proof of the existence of specific messages relating to the purpose of this criminal complaint. These messages have been exchanged between the authorities of the two countries through unofficial channels.

There can be no doubt that the activities conducted through these unofficial channels of communication and negotiations constitute nothing less than *de facto* parallel diplomacy. Even before the “Memorandum of Understanding” had been signed in November 2012, negotiations outside of diplomatic channels were ongoing; that is, they were being conducted through routes outside of the parallel ongoing meetings in Switzerland.

In other words, while formal diplomacy was occurring in Switzerland, secret messages between Tehran and Buenos Aires were traveling in a parallel manner along other pathways. Jorge “Yussuf” Khalil explained, “...*I’ve recently come from Matanza, where I met with Luis D’Elía and ‘el Cuervo’ Larroque, the one from La Cámpora...they called me early and said they wanted to meet with me; they had a message to give to the government...And now I’m going to Martínez to deliver the message, to the Ambassador’s house...*” referring to the Iranian chargé d’affaires in Argentina, the highest authority in the country (Conversation of 11/17/2012, telephone no. 11-3315-6908, File B-1009-2012-11-18-100116-6, CD 196).

The same sequence of events was described in another telephone conversation: “...*I came back from Martínez at eleven o’clock at night...I went to La Matanza, I was talking with ‘el Cuervo’ Larroque and with D’Elía...from there I had to go to the ambassador’s house to talk with the ambassador to give him a message they sent me...*” and he added, “*Larroque...sat down with me and gave me a message that I have to give to the embassy. I went to the embassy and gave them what I had, but I didn’t go only to the embassy, I had to go to Martínez...*”. Khalil explained, with respect to his relationship with the Argentine authorities, “...*I’m not working for them, I’m working for our people, for our embassy...they sent me to do something, since I’m the link...*” (Conversation of 11/18/2012, telephone no. 11-3315-6908, File B-1009-2012-1-18-100116-6, CD 196).

The day following Jorge “Yussuf” Khalil’s return from the Islamic Republic of Iran, where he met “*with the highest authorities...with the responsible bosses...with the Foreign Ministry...*” (Conversation of 5/11/2013, telephone no. 11-3238-4699, File B-1009-2013-05-11-173407-12, CD 0022), he called Luis D’Elía and they agreed to meet, despite the fact that there was uneasiness in Iran, apparently because of Timerman’s failure to come through on a promise, and that – furthermore – they had not liked some of the public statements made by Argentine public officials:

“...some of the statements that they made among themselves did not go over well...like that comment that was made: ‘Let’s see if you people think I like negotiating with so-and-so, with the Iranians!’...this was meant for the other guy, but I’m also going to tell you, just in passing, so you can pass it along under the table...” (Conversation of 5/11/2013, telephone no. 11-3238-4699, File B-1009-2013-05-11-083146-8.wav, CD 0022; underlined emphasis added). The messages, delivered with all of their shades of meaning, were arriving directly from Tehran to the Casa Rosada.

These are significant examples proving that certain Argentine authorities used these unofficial and totally secret parallel channels of communication to advance the cover-up plan. The roles that Larroque, D’Elía and Khalil play in this criminal scheme have been thoroughly confirmed. They act as links between the highest Argentine and Iranian political authorities. Moreover, Larroque is the individual who generally receives orders from the president, and then passes them on to Luis D’Elía. This is clear, as well as unprecedented.

These channels were also used to deliver current information to Mohsen Rabbani, one of the individuals accused in the AMIA attack, regarding various aspects of the cover-up plan. It is worth noting that this person continues to wield decision-making power, which has permitted him to intervene personally and directly in the negotiations between the Iranians and the Argentines.

Note that Rabbani’s attitude is not that of a refugee who is concerned with the status of his criminal proceedings or the progress of the charges against him. On the contrary, since he enjoys a high degree of security that lets him remain unpunished thanks to protection from his country’s regime, he has the time and energy to keep on issuing orders from a distance, dictating the actions of the Shia community in Argentina. As if this were not enough, lately he has been even more confident in light of the Argentine government’s goodwill toward him.

This is reflected in his conversations... *“I told them that we...had talked with Argentina...Iran was Argentina’s top buyer and now it hardly purchases anything...but...this situation can change with you all and with the government,”* alluding to the Iranians in Argentina, such as Khalil, and the current Argentine government authorities (Conversation of 5/28/2013, telephone no. 11-3238-4699, File B-1009-2013-05-28-155549-2, CD 39).

Another example comes from Jorge Khalil, when he reported, *“...today we wrapped up a meeting with Minister of Planning De Vido today we had a meeting with Minister of Planning De Vido, and he’s willing to send the highest-level executives from YPF to make arrangements with the Islamic Republic, and the transactions can be made through grain and other things...”* to which Rabbani responded: *“Send me the details so I can evaluate them”* (Conversation of 5/20/2013, telephone no. 11-3238-4699, File B-1009-2013-05-28-155549-2, CD 39). And, after reviewing the matter, he answered: *“...there are some divisions of the government here who told me that they are ready to sell oil to Argentina...and also to buy weapons...”* (Conversation of 5/28/13, telephone no. 11-3238-4699, File B-1009-2013-05-28-155549-2, CD 39).

It should also be noted that these parallel channels have been used to manipulate operations and behaviors intended to facilitate – in different ways – progress in the immunity plan.

For example, in November 2012, both Luis D’Elía and Andrés Larroque asked Khalil not to join a march organized by leftist political parties in defense of the “Palestinian cause” and that he also stop making demands and expressing criticism, since these kinds of actions could have repercussions on the new bilateral relations.

Khalil explained it this way: *“...we do not want something that will cause irritation...we don’t want to irritate the Argentine government...I am not going to do anything to irritate the Argentine government...”* And he added, *“we are creating a bigger problem for ourselves...”* alluding to the immunities relating to the AMIA attack, and that all of this merited caution. Khalil understood the risk of participating in these actions: *“...I think that the ‘Trotskyites’ are going to*

start with messages against the government, which is something that I do not want..." (Conversation of 11/16/2012, telephone no. 11-3315-6908, File B-1009-2012-11-16-225813-2, CD 194). The cover-up plan required that all possible precautions be taken.

Along the same lines, Khalil added: *"...This morning I had a meeting with government members, they asked me to please not go to the meeting..."* and they told him: *"...knock off this ruckus, because the issue of...it could have repercussions for the relationship that is being established, the conversations that we are having in Geneva..."* (Conversation of 11/17/2012, telephone no. 11-3315-6908, File B-1009-2012-11-17-183444-8, CD 195). And he decided: *"...So I don't want any of us who represent the Islamic Republic in one way or another, such as all of you, such as Ghaleb, such as me, such as any of the Flores or anyone from our community...to have to go to any of these events; we won't participate, as long as Israel doesn't invade...we are building a front, not with the Trotskyites or the leftists, but with the Kirchnerists, La Cámpora, and all those who will be in this with us. I've already talked about this with Larroque and D'Elía..."* (Conversation of 11/17/2012, telephone no. 11-3315-6908, File B-1009-2012-11-17-183444-8, CD 195).

And he repeated: *"...we are not doing any public demonstrations here, because we are in full negotiations with the government...I called that meeting, but then I cancelled it...because in light of the negotiations that are ongoing between Iran and Argentina, we don't want to be seen as meddling. Besides, this was a request from the government. I was talking with D'Elía and with 'el Cuervo' Larroque and they asked me to do this and I got the message to Safir...and Safir told me the same thing...'let's not do something that might bother them'..."* (Conversation of 11/18/2012, telephone no. 11-3315-6908, File B-1009-2012-11-18-095153-16, CD 196).

In a conversation with Fernando Esteche, he said: *"...on Saturday I went to el gordo [the fat guy]'s house, I talked to el gordo, and el gordo, right in front of me, called 'el Cuervo,' put him on speaker phone... 'Cuervo,' I'm here with Yussef blah, blah, blah..."*

I am telling him what you told me to transmit. Okay?” It should be clarified that “el gordo” and “el Cuervo” are allusions to Luis D’Elía and Andrés Larroque, respectively (Conversation of 11/19/2012, telephone no. 11-3315-6908, File B-1009-11-19-121034-16, CD 197).

One may conclude, based on this series of conversations, that Khalil was unwilling to get involved as a representative of Iran in an attack on the government by “*the Trotskyites*” and/or any other political group in order not to endanger the negotiations that were ongoing with Tehran. D’Elía and Larroque shared this concern and sought to keep Khalil and his followers on the sidelines of any demonstration against or public criticism of the government for the position it took on international events related to the Palestinian-Israeli conflict.

Larroque as well as D’Elía did their part to secure and maintain the best possible environment between the parties while the cover-up plan, ordered by Cristina Fernández and executed by Héctor Timerman, was being carried out.

Another example of the desire to protect the cover-up plan is an incident that unfolded on May 29, 2013, when an opinion handed down by this Prosecutorial Investigation Unit was made public. It concerned the deepening of investigations into certain aspects of the AMIA attack. Among these areas was regional infiltration undertaken by part of the Iranian intelligence community. On that occasion, Jorge Khalil and other members of the local community were planning to release some sort of public statement, but they received instructions from Iran not to do so in order not to endanger relations with Argentina in addition to, obviously, the cover-up plan.

In this respect, Khalil argued, “*they’re asking him not to let us do anything...the one from here has already told me that we shouldn’t do anything, but that we shouldn’t do anything because he doesn’t want to be the one who spoils our relationship with them...*” (Conversation of 06/04/2013, telephone no. 11-3238-4699, File B-1009-2013-06-04-082254-20, CD 46). In this case, the

instructions from Tehran were delivered to Khalil through Abdul Karim Paz, the individual who “*is being asked to tell us not to do anything*”; and in referring to “the one from here,” Khalil is speaking about the Iranian chargé d’affaires in Argentina. To sum up, the cover-up plan was most important, and was not to be impacted by short-term matters.

Lastly, these parallel channels contributed to the development of actions designed to create an alternative and false account of the attack that would be both credible to the public and that would redirect the investigation toward “new suspects,” permanently concealing the Iranian defendants who are clearly shown by the evidence and by various court documents to be involved in the attack.

This point is illustrated again in numerous communications between Jorge Khalil, the Iranian liaison, and other participants, mainly Fernando Esteche, Héctor Yrimia and the intelligence agent called “Allan.” For further information, please refer to point IV.c.3.b of this document.

In summary, throughout the previous sections of this document, various incidents have served as examples of the way in which messages, requests, concerns, information, etc., have gone back and forth among the individuals involved in the cover-up plan described herein. This section demonstrates the way in which the perpetrators of the plan were able to establish an indirect link, through a group of intermediaries, not just with the Iranians in Tehran but also with one of the people charged in the AMIA attack, Mohsen Rabbani, whose detention for the purpose of extradition has been encouraged by the Argentine courts, and who is an Interpol “most wanted person”.

Next we will analyze the roles and contributions of each of the aforementioned individuals involved in the criminal scheme alleged herein.

a) Cristina Elisabet Fernández

In order to understand the role that Dr. Cristina Fernández has played in this plan to grant immunity, it should be made clear that the crime alleged herein would not have been committed without a decision by her and her subsequent actions.

In effect, the president of Argentina has issued an express directive for the design and execution of a cover-up plan intended to exonerate the Iranian nationals charged in the cause of the AMIA attack cause, with the overall objective of granting them lasting immunity.

That decision was motivated by the search for a way to effect a geopolitical rapprochement as well as a complete reactivation of trade relations at the state level with the Islamic Republic of Iran, with the understanding that the national energy crisis could be substantially mitigated through commercial exchanges of “oil for grain.”

The fact that the highest authority of the Republic ordered the execution of these criminal actions implies that this criminal complaint is enormously serious at an institutional level. When the evidence is examined with the highest degree of rigor, the chief executive’s participation in the criminal plan unmistakably emerges. The parties to the criminal plan have referred to this on various occasions, assuring that everything is “*decided from above*,” everything had been decided “*at the highest level*” because “*la jefa requested it*” and her foreign minister obediently implemented the plan because it was “*orders, orders, orders*” (Conversation of 5/20/2013, telephone no. 11-3315-6908, File B-1009-2013-05-20-111124-8, CD 31; Conversation of 1/28/2013, telephone no. 11-315-6908, File B-1009-2013-01-28-135732-18.wav, CD 267).

It is impossible to avoid the deep sense of concern that stems from the confirmation that the president is involved in a tawdry scheme, designed to accomplish nothing less than to set aside the quest for justice in the worst terrorist attack in Argentina’s history.

Unfortunately, as it is widely known, this is not the first time that the person who conducts the affairs of the nation has become involved in criminal activities designed to divert the investigation into the AMIA cause.

Dr. Fernández was so very committed to this criminal plan to grant immunity that she took great care to select some of her collaborators or, to be more exact, her accomplices, by using different individuals to execute the plan. That has been one of her fundamental contributions to the implementation of the plan.

When we observe and analyze the credentials of each of the parties to the plan, the fact that they were strategically selected is notable, since all of them possess the background and credentials necessary to carry out the president's orders faithfully.

In the first place, a person identified as "Allan" was used, a person close to the president and connected to the Iranian regime, a direct contact with the highest Iranian authority based in Argentina and a member of the Argentine president's Intelligence Secretariat. This person was used to assist the foreign minister in all actions relating to the implementation of the cover-up plan that, since it was notoriously criminal in nature, should in no way have been undertaken by a distinguished minister of Argentina. The way in which "Allan" carried out his activities – from within or outside of his position in the government – for the national intelligence organization is not insignificant. On the contrary, his position permitted him to take advantage of the resources of that national secretariat, which was especially suitable as he went about doing his work.

Director Luis D'Elía was also charged with the transmission and receipt of all messages that circulated among the parallel channels of communication and negotiations that were developed to assure a successful outcome for the cover-up. The president's choice in this case was also appropriate, since D'Elía has for many years been not only a staunch defender of the Iranian regime, but also by his own admission an unconditional "foot soldier" for Cristina Fernández.

In addition, she chose National Legislative Deputy Andrés Larroque, another passionate supporter of her presidency, who served as a link – a bridge between herself and the clandestine participants in the plan to grant immunity. The need for a reliable intermediary is obvious. Since a crime is being committed, the chief executive has astutely preferred to wall herself off from the individuals who execute the criminal acts. Given that the accomplices had to follow her orders, it was urgent that she have at hand a person of extreme confidence who could justify his personal connection to herself as well as to Luis D’Elía. That person was the aforementioned Larroque.

And, for the most part, she delegated a large part of the orchestration of the criminal plan to her Foreign Minister Héctor Timerman, whom she initially ordered to contact Iranian representatives so that they would know that the Argentine government was open to setting aside any claim for justice relating to the AMIA cause in exchange for a commercial rapprochement between the parties that began in 2011 in the city of Aleppo.

Specifically, by presidential order, Timerman left the official delegation that was visiting several Middle Eastern countries in order to go to the Syrian city of Aleppo, where he secretly held a meeting with Iranian Foreign Minister Ali Salehi. In that meeting he delivered the following message: “...*Argentina is no longer interested in resolving those two attacks, but rather prefers to improve its economic relations with Iran...*” (pp. 131,189–131,194; Eliashev, Pepe: “Argentina negocia con Irán dejar de lado la investigación de los atentados” [Argentina is negotiating with Iran to set aside investigation into attacks], *Diario Perfil*, 3/26/11, pp. 130,911–130,913; Eliashev, Pepe, “Polémica en torno a la negociación secreta entre Argentina e Irán” [Controversy over secret negotiations between Argentina and Iran], *Diario Perfil*, 4/2/2011).

Her instructions included the authorization for Foreign Minister Timerman to secretly negotiate and orchestrate a plan to grant immunity that would remove the stumbling block that had taken the form of the Argentine judicial charges against the Iranian nationals. That plan included the presidential decision to insert into the Memorandum of Understanding a

means of ordering the withdrawal of the Interpol red notices, since this was the Iranian regime's only real interest. This was reflected in point seven of the agreement.

The immunity plan concocted by Dr. Fernández went far beyond stopping the search for Interpol's most wanted individuals, and included the definitive exoneration of the Iranians accused in the attack. This is why the creation of a "Truth Commission," as the agreement called it, was involved in its implementation. The conclusions were foregone, and guaranteed the agreed-upon immunity. Someone who was aware of these circumstances said, "...*someone's going to get egg on their face here...*" to which Jorge Khalil, the representative from Iran, acknowledged: "...*Obviously, this has already been arranged...*" but he clarified that it would not be the affected Iranians, and shot back, "*How will it turn out for our side, dude? I mean, we're seated at the table...*" (Conversation of 1/27/2013, telephone no. 11-3315-6908, File B-1009-2013-01-27-113208-14, CD 266).

In addition, as has been shown, she authorized her foreign minister to sign secret agreements with Iranian representatives that, according to evidence entered in the AMIA case, guaranteed the withdrawal of the red notices from Interpol and safe passage for the former Iranian Minister of Defense, Ahmad Vahidi, with an assurance that he would never be questioned.

The existence of secret agreements was demonstrated by the foreign minister at the time, Ali Akbar Salehi, when he stated..."*The [content] of the agreement between Iran and Argentina relating to the AMIA question will be made public at the appropriate time and the question [about the accused Iranians] is part of this, and we are pursuing it...*" ("Tehran insists accord with Argentina includes Interpol lifting red notices against Iranian suspects," *Mercopress*, 3/19/2013) and by the parties to the cover-up who said, "...*something was signed and settled, and there were preventive measures taken as well...*" (Conversation of 5/11/2013, telephone no. 11-3238-4699, File B-1009-2013-05-11-083146-8.wav, CD 0022); and "*I smell a rat; we'll talk in person later...everything's as planned...it was known...it goes even*

deeper...” (Conversation of 2/12/2013, telephone no. 11-3315-6908, File B-1009-2013-02-12-100525-14, CD 282).

Another express directive from the president, channeled this time through agent “Allan,” was to manufacture a false theory, supported by fabricated evidence, to incriminate “new perpetrators of the attack,” who would be accused with the objective of definitively dissociating the Iranians charged with committing the crime. “Allan” caught on to this directive when he recognized that the undersigned “...*would have his head up his ass, because he never saw it, the evidence...what is going to come out now...is really convincing evidence...*” (Conversation of 6/1/2013, telephone no. 11-3238-4699, File B-1009-2013-06-01-224726-18, CD 43). This matter had already been mentioned by Fernando Esteche, another party to the plan, who even before signing the memorandum, stated, “*they want to create a new enemy of the AMIA, the new perpetrator of the AMIA...*” a task that was left in the hands of the intelligence services. As Esteche had shown, since “*they aren’t going to be able to say that it was the Israelis,*” because – clearly – that would not be credible; they had to manufacture a false theory, and they even spoke of involving “*a group of local fascists*” (Conversation of 12/18/2012, telephone no. 11-3315-6908, File B-1009-2012-12-18-183332-8, CD 226).

Another notable contribution to the plan has been the announcement she made before the United Nations General Assembly on September 25, 2012, when she reported that in response to a request made one week earlier by the Islamic Republic of Iran, she had instructed her Foreign Minister Héctor Timerman to begin negotiations with that country.

This was fundamental to the plan, because in the official account backed by the president, there was an attempt – and it had been so designed – to hide the fact that a year and a half of secret negotiations had been ongoing and the rapprochement had materialized as an Argentine initiative, not from Iran as she had claimed. She could not publicly acknowledge that she had ordered her foreign minister to offer the Iranian authorities

immunity for their citizens in exchange for a geopolitical and commercial rapprochement.

As has already been mentioned, the success of this criminal plan required reliance on the greatest possible amount of support from the public and – mainly – from the victims, with respect to the agreement that would be signed, and was signed, with Iran, as a way of facilitating the plan’s execution. In order to accomplish this, the prior negotiations and the Argentine initiative were concealed, and in September 2012 the president made a promise, knowing that she would never keep it, which was to consult with the relatives and victims before assuming any willingness to negotiate with Tehran. She only sought to inspire false confidence in the victims of the attack, promising that they would be consulted in order to later surprise them with a completed agreement on Sunday, January 27, 2013 (Speech by Cristina Fernández before the 67th United Nations General Assembly on September 25, 2012; Ministry of Foreign Affairs and Worship, Press Release No. 011/13).

Along the same lines, as she abused her position and duties, she continued to lead the effort to deploy an official and false account of the facts in order to conceal the criminality of the real plan. So she presented the Memorandum of Understanding as an “historic achievement” (Messages sent from the Twitter account of Cristina Fernández on January 27, 2013 from 10:26 to 10:32). On the day of its approval, she sent a message from the official Twitter account, a follow-up to messages hailing the news as a “victory,” so that she could keep the true sense of the Memorandum hidden – to lend a credible legal framework to the underhanded implementation of immunity for the accused Iranians, and thus to politically justify a geopolitical and commercial rapprochement with Tehran.

She continued along these lines when, in her message accompanying the preliminary draft of the bill approving the Memorandum as it went to the National Congress, she maintained: *“... We hope to present this agreement as a kind of ruse to “initiate” trade with Iran. The truth is that this trade has existed since 1990, and except for 2004 and 2005, it has created a surplus...”*

(Presidential Bill No. 173, preliminary draft of bill creating a Memorandum of Agreement between Argentina and Iran).

The president was deceptively referring to trade conducted between private entities. She could not admit that she had decided to annihilate the quest for justice in the AMIA case in exchange for establishing a trade relationship at the state level that had not existed, and that she wished to reinitiate.

In spite of publicly denying that trade was an interest in the link with Iran, the president secretly sought to put into practice her decision to do business with Iran, directing her Minister of Federal Planning Julio De Vido to undertake certain actions. To that end, she ordered him to make progress in negotiating oil for grain through parallel channels of communication with the regime. Luis D'Elía acknowledged this: “...*the meeting was held because la jefa requested it...*” referring to his encounter with De Vido, and he stated, “*I was speaking here with ‘el quía’ [alluding to Minister De Vido]...They are willing to send YPF people with the two of us...to do business there...He is very interested in exchanging what they have for grain and meat over there...*” (Conversation of 5/20/2013, telephone no. 11-3238-4699, File B-1009-2013-05-20-111124-8, CD 31).

The promise made to the victims of the AMIA attack was void, with the result that in May 2013, the National Executive Branch, so ordered by Dr. Fernández, had embarked upon secret negotiations with Iran to the exchange oil for meat and grain. And, as has been proven, Mohsen Rabbani, one of the accused individuals in the AMIA cause, participated in the negotiations. An example of this is the occasion on which Khalil told Rabbani: “...*today we held a meeting with Planning Minister De Vido, and he’s willing to send the highest-level executives from YPF to make arrangements with the Islamic Republic, and the transactions can be made through grain and other things...*” to which Rabbani responded: “*Send me the details so I can evaluate them,*” and having done so, he added, “*there are some government sectors here who, I was told,*

are ready to sell oil to Argentina...and also to buy weapons...” (Conversation of 5/20/2013, telephone no. 11-3238-4699, File B-1009-2013-05-20-114842-2, CD 31 and Conversation of 5/28/13, telephone no. 11-3238-4699, File B-1009-2013-05-28-155549-2, CD 39).

In other words, while the president was publicly assuring everyone that her actions were being motivated exclusively by the quest for justice in the AMIA cause, and the Memorandum of Understanding was the only viable way to get it, one of the accused, Mohsen Rabbani, was negotiating with our authorities through intermediaries and hidden channels in a secret, clandestine manner, for an exchange of oil for grain, arms sales, and – most serious of all – his own immunity.

Her next contribution to the execution of the plan to grant immunity was to establish, from the highest levels of power, a story that the investigation into the AMIA attack had stagnated, with the goal of confusing public opinion and consequently justifying a position to be presented to the Argentine people that the Memorandum of Understanding – once again, this was the instrument designed to make immunity for the accused Iranians viable – was the only possible solution.

This involvement unfolded in the form of several incidents and went on for a long time. In effect, in her message on a nationwide television broadcast on February 8, 2013, when she confirmed that the draft of the bill to approve the Memorandum of Understanding had been sent to the National Congress, she stated, “...*This memorandum that we have agreed upon is a step forward in unblocking progress in a cause that has been paralyzed for the past 19 years...*” (Speech by Cristina Fernández on February 8, 2013).

In March 2013, she communicated on social networks: “...*We had to unblock this,*” referring obviously to the AMIA cause (Tweet dated 3/4/2013, 17:05), and before the Legislative Assembly: “...*my commitment is to unblock this...*” (President’s Message to the Legislative Assembly on the opening session of the 131st ordinary National Congress, 3/1/2013).

She went on the offensive again with the same lie in her speech before the 68th United Nations General Assembly, when she said, “...*the cause is paralyzed; in 19 years there has been no progress...*” (Speech before the United Nations, September 24, 2013).

What is paradoxical is that the president knows without a doubt that the cause has in fact advanced, especially if one takes into account the considerable amount of publicity surrounding the various rulings handed down by this Prosecutorial Investigation Unit, as well as other legal rulings. Her statements to the contrary can only be taken as a concrete manifestation of the intentional way in which she has sought to discredit the Argentine system of justice, and as an indirect way of legitimizing a bilateral agreement – i.e. the Memorandum of Understanding – that is the foundation of a criminal plan that she herself devised.

She made another contribution to the plan on Friday, September 27, 2013, one day before her meeting with the Argentine and Iranian foreign ministers, when she ordered her accomplice Luis D’Elía to send a message to the Iranian agent Jorge Khalil. D’Elía acknowledged the message as follows: “...*I have an urgent message from the Argentine government, to go there urgently, before tomorrow...I’m at the Presidency now...Believe me, there’s nothing more important than this...*” (Conversation of 9/27/13, telephone no. 11-3238-4699, File B-1099-2013-09-27-103753, CD 161).

In addition, D’Elía made the following request of Khalil: “...*I need you to talk to the Sheikh [alluding to Mohsen Rabbani]...look, what I have to say is really important...eh? She asked me to do it...*” (Conversations of 9/27/13, telephone no. 11-3238-4699, File B-1099-2013-09-27-114113-28, CD 161; File B-1099-2013-09-27-104245-8.txt, CD 161).

The aforementioned Khalil made the request of Cristina Fernández more specific: “...*She needs the Iranian government, together with the government of Argentina, to announce the formation of a ‘Truth Commission’ tomorrow...please, let’s announce it together tomorrow in the meeting...let’s set a date for the ‘Truth Commission’ to meet, as well as a date in*

January when the Argentine judge can travel to Tehran...” (Conversation of 9/27/2013, telephone no. 11-3238-4699, File B-1099-2013-09-27-115448-6, CD 161). He later clarified: “...the meeting is being convened at the request of Cristina...take note that Rohani [the Iranian president] didn’t even mention the AMIA in his speech...” (Conversation of 9/27/2013, telephone no. 11-3238-4699, File B-1099-2013-09-27-115448-6, CD 161).

By using the evidentiary basis that can be proven through the president’s specific and concrete contributions, it becomes clear that not only was she the individual who decided to develop this criminal plan to grant immunity, and to do this she relied upon various agents in order to execute it, she was also in control of it at all times by issuing direct orders to her accomplices or by promoting a discourse meant to camouflage the perpetration of the crime.

We are talking about the person who holds the highest public office in the Argentine Republic. She therefore bears enormous responsibility. Regrettably, she has decided to commit a crime in order to grant immunity to the Iranian fugitives in the AMIA cause; she has chosen some of the parties to the cover-up; and she has directly involved at least one of her ministers and a national legislator; she has controlled the development of the plan; she has conducted negotiations through intermediaries, including an individual who was one of the fugitives; and she has personally involved herself in some of the secret actions that this sophisticated plan required. The incidents reported in this section demonstrate all of this.

b) Héctor Marcos Timerman

The Argentine Minister of Foreign Affairs and Worship, Héctor Timerman, has been, without a doubt, the principal perpetrator of the plan to grant immunity devised and ordered by the president, Dr. Cristina Fernández.

Of course, whenever there is a criminal plan involving a foreign country, the foreign minister is in a key position to

personally take charge of many aspects of the cover-up. From his office, he transmitted the Argentine government's decision to abandon claims for justice in the AMIA cause; he agreed to the withdrawal of the red notices; he signed secret agreements with the Iranians; and he participated in the negotiation, formulation, and signing of the Memorandum of Understanding, the centerpiece of the plan to grant immunity. And he personally involved himself in a campaign designed to discredit and deceive in order to destroy the credibility of a legal cause, with the goal of knowingly and intentionally portraying the agreement with Iran as the only appropriate way of resolving it.

A concrete examination of each of his involvements in and contributions to the criminal plan alleged herein demonstrates with absolute certainty and evidentiary weight that Héctor Timerman became an essential party to the plan to obtain immunity for the accused Iranians. The evidence against him is overwhelming.

In fact, the beginning of his criminal actions coincided with the beginning of the execution of the crime. By presidential order, he left the official delegation that was visiting several Middle Eastern countries in order to go to Aleppo, where he held a secret meeting with Iranian Foreign Minister Ali Salehi. In that meeting he delivered the following message: “...*Argentina is no longer interested in resolving those two attacks, but rather prefers to improve its economic relations with Iran...*” (pp. 131,189–131,194; Eliashev, Pepe, “Argentina negocia con Irán dejar de lado la investigación de los atentados” [Argentina is negotiating with Iran to set aside investigation into attacks], *Diario Perfil*, 3/26/2011, pp. 130,911–130,913, Eliashev, Pepe, “Polémica en torno a la negociación secreta entre Argentina e Irán” [Controversy over secret negotiations between Argentina and Iran], *Diario Perfil*, 4/2/2011).

In this plan, Héctor Timerman headed up the negotiations with the Iranian representatives, negotiations that were conducted in secret as well as openly. In other words, Timerman played a central role in negotiating with the Iranian counterparts to agree upon absolute immunity for the fugitives as well as putting an end to the red notices.

Without a doubt, a crucial contribution that Minister Timerman made has been to sign the Memorandum of

Understanding on behalf of Argentina, since this was a definitive action in executing the criminal plan.

By signing the agreement, Timerman provided the legal instrument that was necessary to the criminal plan. It afforded concealment of the accused in several ways: a) it stopped the publication of Interpol's red notices (point 7); b) it guaranteed immunity through the establishment of an intricate, endlessly ongoing procedure that was pointless—it only served to dilute the charges and make exoneration feasible; and c) it articulated, through the “Truth Commission” created as part of the agreement, the total clearing of the accused with respect to the AMIA attack, which made it possible to redirect the investigation toward other perpetrators and theories.

In effect, as has been maintained and proven, the Memorandum of Understanding was never intended to have the accused Iranians testify before the judge and the prosecutor assigned to the AMIA cause. To the contrary, this was one method chosen by the partners in the criminal plan to eliminate the charges brought by the Argentine courts and to grant absolute immunity in the AMIA cause.

In addition to signing the Memorandum of Understanding, another of Minister Timerman's contributions to the plan was the realization of other secret agreements, including – precisely – the lifting of the red notices, and they also confer greater benefits; for example, former Minister of Defense Ahmad Vahidi would never be required to appear before the AMIA judge, even with the agreement in effect.

There are telephone conversations obtained from court-ordered wiretaps that acknowledge these secret agreements; for example: “...*something was being signed, and it also involved taking preventive measures*” (Conversation of 5/11/2013, telephone no. 11-3238-4699, File B-1099-2013-05-11-083146-8.wav, CD 0022). Or, when in regard to the news that Vahidi would not be questioned despite what was provided in the Memorandum, the local

Iranian representative, who evidently got the news firsthand, stated: *“I smell a rat. We’ll talk in person later...everything’s as planned...it was known, and it goes even deeper...”* (Conversation of 2/12/2013, telephone no. 11-3315-6908, File B-1009-2013-02-12-100525-14, CD 282). And as if all of this were not enough, Minister Salehi himself referred to the existence of other secret agreements with Timerman (*“Tehran insists accord with Argentina includes Interpol lifting red notices against Iranian suspects,” Mercopress, 3/19/2013*).

It becomes evident that Timerman’s obligation, as ordered by the president, was to arrange for Interpol to withdraw the red notices, since this was Iran’s fundamental interest in signing the agreement. This first objective of the plan’s perpetrators was thwarted when Interpol adhered to the law.

Fortunately, Interpol interceded in time to prevent the withdrawal of the red notices, saying: *“...the Office of Legal Affairs within Interpol’s General Secretariat wishes to express that the agreement [referring to the Memorandum of Understanding between Argentina and Iran] does not imply any change in the status of red notices published in connection to the AMIA cause...”* (Memo No. LA/35678/47/3.1/EGI/tsa, Office of Legal Counsel, General Secretariat, Interpol, 3/15/2013). When this occurred, Minister Timerman took new measures designed to advance the criminal plan. In May 2013 he met with Interpol’s General Secretary Ronald Noble in Lyon, France, to get Interpol to take the bilateral agreement into account and agree to withdraw the red notices, although he publicly represented it as something else (Ministry of Foreign Affairs and Worship, Press Release No. 122/13 dated 5/30/2013; Interpol, *“La visita del canciller argentino a Interpol se centró en la colaboración policial internacional”* [Argentine foreign minister’s visit to Interpol focused on international collaboration in law enforcement], 5/30/2013).

Within this context, the Iranian representatives noted their disagreement because of the red notices snafu: “...*there’s a bit of uneasiness there...uneasiness...I think that fucking Russian [alluding to Héctor Timerman] screwed up...something was signed, including the matter of the preventive measures [alluding to the red notices] as well...*”; “...*Timerman failed to comply with a number of things. This is perfectly clear. He failed to comply with a number of things...*” (Conversation of 5/11/2013, telephone no. 11-3238-4699, File B-1099-2013-5-11-083146-8.wav, CD 022 and Conversation of 5/20/2013, telephone no. 11-3238-4699, File B-1099-2013-05-20-111124-8, CD 31).

The minister made further contributions to the plan, and in November 2013 he met again with Noble. He told Noble about the continued negotiations between the parties surrounding the memorandum (Interpol Press Release: “Worldwide security: focus of Argentine foreign affairs minister to Interpol,” Lyon, France, 11/26/2013). The intention was clear: telling Noble that the Memorandum of Agreement was going forward was a subtle and indirect way of asking Interpol to rethink its position and withdraw the red notices concerning the Iranians.

Having failed to obtain the outcome he wanted and had promised, the Argentine minister changed his strategy and tried to convince the Iranians that the red notices would be withdrawn after the hearings. In this respect the following information was released: “...*In a conversation with his Iranian counterpart, Javad Zarif, Foreign Minister Timerman believed that the publication of the red notices would automatically stop as soon as the judge presiding over the investigation into the AMIA attack, Dr. Rodolfo Canicoba Corral, took the statements of the five accused Iranians...*” (Di Natale, Martin, “La negociación con Irán, empantanada por la lista de Interpol” [Negotiations with Iran bogged down over Interpol list], *La Nación*, 12/8/2013).

Now, as this complaint has clearly shown, the plan to grant immunity needed not only a means of legal camouflage; it also needed a discursive strategy as well as a strategy for the media in order to prevent the revelation of its hidden

criminal intent. Héctor Timerman also played a key role in this necessary concealment.

Indeed, when the negotiations had already been made public, care had to be taken so that nothing would stop the execution of the criminal plan. In the series of precautions that facilitated the cover-up alleged herein, Héctor Timerman misused his own confidential information that was part of diplomatic negotiations in order to conceal the progress of the criminal plan, and he issued press releases from the Argentine Ministry of Foreign Affairs to mislead public opinion about the contents of the negotiations to ensure that nothing would stop the criminal course that was nearing completion.

At the beginning of this process, the two ministries issued a joint statement in which they said they had promised to explore legal mechanisms that did not contradict the legal systems of Argentina and Iran (Ministry of Foreign Affairs and Worship, Press Release 313/12 dated 09/27/12). The result of these negotiations was precisely the Memorandum of Understanding, which then would be declared unconstitutional by Chamber I of the Hon. Federal Criminal and Correctional Court (CCCF, Chamber I, CFP 3184/2013/CA1 “AMIA re. *Amparo* Law 16986, 05/15/2014, Court No. 6, Clerk of Court No. 11), which made evident the contradiction in the announcement by Foreign Minister Timerman as the legal instrument that had flagrantly violated the Argentine legal system.

In a separate statement, before signing the agreement, Timerman’s department stated: “...*The National Government hereby confirms that the only commitment is to the victims and to the right of their family members to find due recompense in truth and justice. Argentina hereby reiterates that there is no room in that objective for geopolitical interests, whether domestic or foreign...*” (Ministry of Foreign Affairs and Worship, Press Release No. 360/12 dated 10/31/2012, emphasis added). Just as has already been amply proven herein, one of the main interests of the

criminal scheme was the desire for geopolitical rapprochement with Tehran, in accordance with what had been decided by the president.

It is clear, then, that Foreign Minister Timerman acted in bad faith in finalizing the immunity plan and had no qualms whatsoever about carrying out further actions that tended to be of benefit to him. The deception that distinguished him throughout this criminal scheme was revealed, for example, only two days after the signing of the Memorandum, i.e., on January 29, 2013, when the minister tried the approach of meeting with Jewish community institutions that had expressed their opposition to the pact. At that time, as the then-President of AMIA, Guillermo Borger stated: “...*the foreign minister is willing to prepare an explanatory note, an addendum addressing all these questions and that he himself will sign...*” (Borger’s statements to the Jewish News Agency, “Borger después de la visita de Timerman a la AMIA” [Borger after Timerman’s visit to the AMIA], 01/29/13). In an official statement, AMIA expressed the promise made by Foreign Minister Timerman as creating an addendum to the Memorandum to ensure that the hearings in Tehran would consist of investigative statements in accordance with the provisions of Argentine law, that they would be taken by Argentine authorities, and that the process under the agreement did not suspend Interpol’s red notices. In this regard, Memoria Activa issued a separate statement giving an account of the same promise (“AMIA informa a la opinión pública sobre las conclusiones de la reunión mantenida con el canciller Timerman en el día de ayer” [AMIA informs the public regarding the outcome of the meeting held with Foreign Minister Timerman yesterday], *Prensa Judía*, 01/30/2013; “La AMIA pide que las promesas de Timerman sean anexadas por escrito al acuerdo original” [AMIA requests that Timerman’s promises be attached in writing to the original agreement], *Clarín*, January 30, 2013; Memoria Activa Press Release to the public, January 31, 2013).

Despite all this, after these press releases, the foreign minister denied having promised the victims, families and community leaders that he would file an addendum to the agreement (“La AMIA pide al gobierno que rehaga el memorándum con Irán” [AMIA urges the government to redraft the memorandum with Iran], *La Nación*, 02/01/2013; Capiello, Hernan, “Timerman se molestó con la AMIA por sus exigencias” [Timerman is upset with AMIA’s demands], *La Nación*, 02/01/2013). In other words, despite the foregoing, and grossly neglecting

the promise that he did not fulfill and that he denied having made, Héctor Timerman was working to facilitate and conceal the criminal scheme, even at the expense of his public reputation.

In the task of discrediting the judicial investigation, Héctor Timerman again played a decisive role in this particular phase of the criminal plan by making constant contributions, as on the occasion of the parliamentary debate on the agreement, when he stated: “...*For the first time there is a written commitment by Iran...so the AMIA case can come out of the total paralysis that it is in,*” and then added “...*ongoing court case, which has not made any kind of progress in recent years*” (Transcript of the Plenary of the Committees on Foreign Affairs, Constitutional Affairs and Justice and Criminal Affairs of the Senate, held on February 13, 2013, and Transcript of the Plenary of the Committees on Foreign Affairs, Justice and Constitutional Affairs of the Chamber of Deputies, National Congress, held on February 26, 2013).

On another occasion, he stated: “...*I am offended that you have come up with this matter of economic interests... How could I do something that is prohibited by the United Nations?...because there are economic sanctions imposed by the United Nations, to which Argentina is a signatory, that forbid trade with Iran beyond that which is being done, that has to do with grain, and that is not being done by the Argentine government...it’s being done by private companies...*” (Tenenbaum, Ernesto, Tierra de Locos, interview with Héctor Timerman, 02/18/13).

Besides the fact that the assertion is untrue and contradicts Timerman’s own other public statements, these assertions are at odds with the direct evidence submitted here, where it was verified that the Executive Branch, represented by Foreign Minister Timerman, secretly negotiated with Iran to buy oil and sell meat and grain, and furthermore, it should be noted that one of the fugitives in the AMIA case participated in these negotiations: Mohsen Rabbani. An example of this is the conversation intercepted in May of 2013, in which

Rabbani participated, and who was told: “...*today we participated in a meeting with Minister of Planning De Vido, in which he [stated that he is] willing to send the top YPF authorities to sort things out with the Islamic Republic and that the transaction may be through grain and through other things...well, it needs to be looked at,*” to which Rabbani replied: “*send it to me so I can evaluate it.*” After evaluating it, Rabbani responded: “...*here there are some sectors of government that have told me that they are ready to sell oil to Argentina, to sell tractors...and also to buy weapons...*” (Conversation of 05/20/2013, telephone no. 11-3238-4699, File B-1009-2013-05-20-114842-2, CD 31 and of 05/28/13, telephone no. 11-3238-4699, File B-1009-2013-05-28-155549-2, CD 39).

While the Argentine courts were struggling to secure the arrest of those charged in the attack in order to submit them to a fair trial, and while the families and survivors eagerly waited for this to happen, Foreign Minister Timerman and President Fernández held secret talks with one of the wanted fugitives and, at the same time, boasted publicly of working together to advance the case.

Another contribution to the criminal scheme alleged herein is noted by the role Timerman played in regards to staging the attempt to mislead the public on issues relating to the agreement. It was Timerman who reported that the meeting with his Iranian counterpart was the result of a request from Tehran, in response to the presidential address to the UN General Assembly, when in fact it was verified that “...*the meeting was quickly held at the request of Cristina...*” (Conversation of 09/27/13, telephone no. 11-3238-4699, File B-1009-2013-09-27-115448-6, CD 161). And it was Timerman who, without the company of his counterpart, reported the internal approval of the agreement by the Iranian authorities, i.e., an act of government by the Iranian regime.

In short, the one who should be looking after the interests of all Argentines in foreign relations was involved in the execution of an ominous cover-up plan that was devised, planned and

orchestrated to provide immunity to the Iranians accused in the AMIA case and to definitively dissociate them from the investigation of the attack.

In doing so, he has breached his duties as a public official, as required by the high ministerial office he holds and required by the *Ley de Ministerios de la Nación* [National Ministries Law]; he has violated criminal law, engaging in multiple incidents of criminal conduct; he has subjugated Argentine legal proceedings of the past eight years, making concessions that scuttle achievements made in the context of a highly complex case; he has betrayed and lied to community leaders, groups of relatives of the victims of the attack, survivors, national legislators, the media, and all of Argentine society, not hesitating to distort reality in order to conceal the criminal plan in which he participated. This conduct merits the harshest reproach and the rigorous enforcement of the laws that have been violated.

c) Luis Angel D'Elía

Luis D'Elía was the trusted liaison whom the president and the foreign minister used to keep active the covert and clandestine negotiations with Iran regarding the cover-up plan. This may not be surprising, as for many years he has been and continues even today to be a staunch defender of the Iranian regime, who has portrayed to the mass media the version of events historically held by the Iranian authorities, questioning the legal charges pending against their nationals for the attack on AMIA—nationals whom he has repeatedly defended publicly.

He has proven and close relations with authorities of the Islamic Republic of Iran, with whom he is in contact and whom has accompanied in radio interviews, trips, conferences, political events, etc. This laid the foundation for his being invited to Iran on more than one occasion, in addition to

having made other trips through the sponsorship and support from his Persian friends, such as his visit to the Republic of Lebanon in 2012. (Obarrio, Mariano, “D’Elía prometió acercarse más a Irán” [D’Elía promised to become closer with Iran], *La Nación*, 02/28/2007; “D’Elía, más lejos: Irán no tiene nada que ver con el atentado a la AMIA” [D’Elía, further away: Iran has nothing to do with the AMIA attack], *Perfil*, 3/7/2010; Oz, Fernando, “D’Elía lleva negocios a Irán y ya sueña con enriquecerle uranio” [D’Elía is making deals with Iran and already hoping to enrich uranium for it], *Perfil*, 4/3/2010; “D’Elía gestiona negocios para Irán y busca que la Argentina colabore en su polémico programa nuclear” [D’Elía is seeking deals with Iran and wants Argentina to collaborate in its controversial nuclear program], *Infobae*, 4/4/2010; “Desde el Líbano, D’Elía volvió a agredir a la comunidad judía” [From Lebanon, D’Elía again attacked the Jewish community,] *Radio JAI*, 03/29/2012; “D’Elía marchó por Palestina y desató polémica en Twitter” [D’Elía marched for Palestine and unleashed a controversy on Twitter], *Perfil*, 03/29/2012).

In fact, in late February and early March 2007, Luis D’Elía traveled to the Islamic Republic of Iran and met with at least two of those charged in the attack on AMIA, Mohsen Rabbani and Ahmad Asghari, a fact he acknowledged under oath when making a witness statement before the undersigned. On that occasion, he also admitted that the trip had not been paid out of his pocket, but rather it had been an invitation to participate in a seminar on Latin America and that “*as in any international seminar, the expenses were paid by the country that extended the invitation*” (witness statement of Luis Angel D’Elía dated 05/08/2007, pp. 124,367–124,373 of the main proceedings, pp. 17–23 of File No. 416).

On his return from the Asian nation, D’Elía reported that they had provided him with evidence and documentation showing that Iran had not had anything to do with the attack on AMIA and that the charge by this Prosecutorial Investigation Unit was supported by false evidence (Obarrio, Mariano, “D’Elía prometió acercarse más a Irán” [D’Elía promised to become closer with Iran], *La Nación*, 02/28/2007; Galak, Oliver, “Escándalo en la Feria del Libro” [Scandal at the Book Fair], *La Nación*, 04/30/2007; “De regreso, D’Elía ratificó su respaldo a Irán” [Back home, D’Elía affirmed his support for Iran], *La Nación*, 3/2/2007).

Consequently, a thorough investigation was substantiated following the information, evidence and witnesses D’Elía provided. Initially, D’Elía downplayed the press rumors, explaining that his were not categorical assertions, but that they were merely

theories developed based on the evidence provided to him in Iran and the advice of his lawyers.

The weakness of his arguments remained evident when, being quoted in a witness statement, D'Elía was unable to corroborate or to provide any evidence that would support his speculations. He even admitted to never having read the file and acknowledged that his assertions were not really assertions, but mere speculation. In fact, they were rejected even by his own witnesses.

Ultimately, it was clearly proven that the version provided by D'Elía found no support even in the evidence and evidentiary measures that he had proposed and, consequently, this line of investigation was ended, concluding that *“the version outlined by Luis D'Elía, bereft of any basis, is reduced to an absurd and fanciful theory that falls under its own weight and does not merit further analysis”*(pp. 379–381 of File 416).

Specifically, on this occasion, what could be interpreted as an admittedly crude attempt, in which Luis D'Elía was also involved, to exculpate the Iranians accused of any involvement in the AMIA bombing, was undermined. It is not surprising, then, that new ploys to clear the Iranians of the charges leveled against them in the attack case again have Mr. D'Elía as the protagonist. Furthermore, his proximity to the government of Cristina Fernández and his ties to Iran turned him into an almost essential character in this criminal plot. It should be recalled that D'Elía came to regard himself as an unconditional “foot soldier” of the president.

In the months of February and March 2010, Luis D'Elía once again visited Iran. This time he was accompanied by Alicia Sánchez, Fernando Esteche, Jorge Rachid, Mario Codarín and Abdul Karim Paz (Santiago Paz Bullrich). The purpose of the visit was to attend the 31st anniversary of the Islamic Revolution and they had been invited by the Iranian government, which accommodated the entire delegation in the Guest House of the Iranian Foreign Ministry (“Quejas de

Israel por el viaje de D'Elía a Irán” [Complaint by Israel of D'Elía's trip to Iran], *La Nación*, 03/07/2010; “D'Elía admitió un encuentro con un ex funcionario iraní prófugo en la causa AMIA” [D'Elía admits meeting a former Iranian official and fugitive in the AMIA cause], *La Prensa*, 03/07/2010; “D'Elía y Esteche vieron en Irán a un sospechoso de volar la AMIA” [D'Elía and Esteche met in Iran with one of those suspected of blowing up the AMIA], *Perfil*, 03/06/2010). It was on this occasion that the Iranians offered him a deal of a similar nature to what Héctor Timerman ended up signing. “...It's similar to what we proposed during the first trip to Tehran, do you remember?” (Conversation of 01/27/13, telephone no. 11-3315-6908, File B-1009-2013-0 1-27-174637-12, CD 266).

On that occasion, D'Elía again met with Mohsen Rabbani. This time, with the participation of Fernando Esteche and Abdul Karim Paz, among others (“D'Elía admitió un encuentro con un ex funcionario iraní prófugo en la causa AMIA” [D'Elía admits meeting a former Iranian official and fugitive in the AMIA cause], *La Prensa*, 03/07/2010; “D'Elía y Esteche vieron en Irán a un sospechoso de volar la AMIA” [D'Elía and Esteche met in Iran with one of those suspected of blowing up the AMIA], *Perfil*, 03/06/2010; “D'Elía sigue defendiendo al prófugo de la AMIA: Es una buena persona” [D'Elía continues defending AMIA fugitive: He's a good person], *Clarín*, 03/09/2010; “Diputados repudió el viaje de D'Elía a Irán y pidió informes a Cancillería” [Deputies condemned the D'Elía trip to Iran and requested reports from the Ministry of Foreign Affairs], *Infobae*, 04/07/2010).

For years, as noted earlier, D'Elía has maintained close contact with Mohsen Rabbani, with whom he met on every occasion when he was invited to the Islamic Republic of Iran and whom he interviewed more than once on the radio, exclusively, when Rabbani was already a fugitive (radio interviews of Luis D'Elía with Mohsen Rabbani dated 3/9/2010 and 4/6/2011, “Siete punto cero” [Seven point zero], Radio Cooperativa AM 770; “D'Elía y Esteche vieron en Irán a un sospechoso del atentado a la AMIA” [D'Elía and Esteche met in Iran with one of those suspected of blowing up the AMIA], *Perfil*, 03/06/2010; “D'Elía, más lejos: Irán no tiene nada que ver con el atentado a la AMIA” [D'Elía, further away: Iran has nothing to do with the AMIA attack], *Perfil*, 3/7/2010; “D'Elía no cometió delito al reunirse con los iraníes” [D'Elía did not commit an offense when meeting with the Iranians], *Crítica*, 3/8/2010; “Rabbani le confirmó a D'Elía que no declarará en la causa AMIA” [Rabbani confirmed to D'Elía that he will not to testify in the AMIA case], *Ambito Financiero*, 3/9/2010; Niebieskikwiat, Natasha, “D'Elía sigue defendiendo al prófugo de la AMIA: es una buena persona” [D'Elía continues defending the AMIA fugitive: He's a good person], *Clarín*, 03/09/2010; “Rabbani advirtió que hay muchos negocios atrás de la causa AMIA” [Rabbani warned that there are many deals behind the AMIA case], *Página 12*, 3/9/2010; Oz, Fernando, “D'Elía lleva negocios a Irán y ya sueña con enriquecerle uranio”

[D'Elía is making deals with Iran and already hoping to enrich uranium for it], *Perfil*, 4/3/2010; “D'Elía gestiona negocios para Irán y busca que la Argentina colabore en su polémico programa nuclear” [D'Elía is seeking deals with Iran and wants Argentina to collaborate in its controversial nuclear program], *Infobae*, 4/4/2010).

This invitation to the Islamic Republic of Iran was not by chance. They invited him so he would push for the political settlement and for dissociating them from the AMIA matter and, in so doing, have the charges of the Argentine courts set aside and – primarily – the red notices withdrawn, in line with what has been historically postulated by Tehran.

In his inner circle, some figures stand out, such as the former Venezuelan ambassador to Argentina, Roger Capella. During his stay in Argentina, Ambassador Roger Capella established a well-oiled relationship with various Argentine social groups, financing trips, scholarships and other resources for leaders such as Luis D'Elía and Fernando Esteche, (Gallo, Daniel, “Controvertida agenda política del Embajador de Venezuela” [Controversial political agenda of the Venezuelan ambassador], *La Nación*, 11/16/2006). It should also be recalled that Capella was the one who, in November 2006, urged Luis D'Elía to carry out a protest against the Argentine courts because of the AMIA case, which cost him his place in the Kirchner government (“Kirchner ordenó expulsar a D'Elía del gobierno” [Kirchner ordered D'Elía removed from the government], *La Nación*, 11/14/2006; Gallo, Daniel, “Controvertida agenda política del Embajador de Venezuela” [Controversial political agenda of the Ambassador of Venezuela], *La Nación* 11/16/2006).

However, D'Elía's endorsement of the Iranian regime was the reason for which he followed the guidelines of the communication strategy orchestrated from Tehran and for which he has been strongly critical of the investigation conducted by the Argentine judicial authorities and its officials, questioning their integrity and arguing that the charge against the Iranian nationals is false and was invented because of the interests, pressures and interference of North American and Israeli sectors and agencies (See Press Release of November 13, 2006, signed by Luis D'Elía and Juan Jose Cantiello, delivered to the then-Iranian chargé d'affaires in Buenos Aires, Mohsen Baharvand; Wiñazki, Verónica, “Desde Irán, D'Elía aseguró que apoyaría la pena de muerte a los responsables de la AMIA” [From Iran, D'Elía assured that he would support the death penalty for those responsible for the AMIA attack], *Perfil*, 3/4/2010; “D'Elía, mas lejos: Iran no tiene nada que ver con

el atentado a la AMIA” [D’Elía, further away: Iran has nothing to do with the AMIA attack], *Perfil*, 3/7/2010; “D’Elía no cometió delito al reunirse con los iraníes” [D’Elía did not commit a crime by meeting with the Iranians], *Crítica*, 3/8/2010; Interview on Rodolfo Barili’s “DATA” program, Canal Metro, 03/27/2010; “Causa AMIA: Para D’Elía, los acusados iraníes van a ser sobreseidos” [AMIA Cause: For D’Elía, the charges against the accused Iranians will be dismissed], *Infobae*, 3/1/2013; Speech by Luis D’Elía at the ceremony for International Al Quds Day or International Iranian Solidarity for the Liberation of Palestine Day, At-Tauhid Mosque, 08/02/2013; “D’Elía satisfecho tras el giro de Cristina con Irán, insiste con defender a los acusados por AMIA” [D’Elía satisfied after Cristina’s about-face on Iran, insists on defending those accused by AMIA], *La Nación*, 09/26/2012; Dinatale, Martin, “D’Elía y Esteche reivindicaron a la agrupación terrorista Hezbollah” [D’Elía and Esteche championed the terrorist group Hezbollah], *La Nación*, 08/13/2013).

As already stated, such a public stance cost him his position as National Undersecretary of Lands for Social Housing. In regards to that ousting, D’Elía himself stated: “...*it was a very difficult time for me...*” but he clarified: “...*I never left Kirchnerism, I continued advocating and providing support as I had always done...*” (“Causa AMIA: Para D’Elía, los acusados iraníes van a ser sobreseidos” [AMIA Cause: For D’Elía, the charges against the accused Iranians will be dismissed], *Infobae*, 3/1/2013).

However, even though he left his public position, D’Elía continued to be closely associated with the government, working at the Land and Housing Federation. He maintained his share of power within the structure of the national government and preserved his contacts, which allowed him to continue to operate. His activity seemed to gain greater intensity and/or visibility during Cristina Fernández’ last term.

His interference in the issue of land and housing is corroborated, for example, by the words of Jorge Khalil who, talking to another member of the Iranian community, stated: “*I just left Luis’s... I asked him for hectares for us, he’s going to give them to me now...to make an area for us...*” (Conversation of 02/13/2013, telephone no. 11-3315-6908, File B-1 009-20 13-02-13-124515-1 8 CD 283). And on another occasion, he reported to D’Elía: “...*I had already told you that I went there to Corrientes, to the Undersecretary, for you to go ahead with these...*” alluding to previous deals between the two (Conversation of 05/03/2013, telephone no. 11-3315-6908, File B-1 009-20 13-03-05-231220-24.wav, CD 303).

This means that even outside of his official functions, D'Elía continued pulling strings in the National Undersecretariat for Lands, operating and disposing of state-owned lands, as if he continued exercising the *de facto* public function.

In this regard, it should be recalled that in the year 2008, the former Undersecretariat of Lands for Social Housing, that was under Luis D'Elía in 2006, changed its name to the “Father Carlos Mujica” National Land Commission for Social Housing, under the leadership of the Cabinet of Ministers of the Presidency of the Nation (Decrees No. 172/2006 of 02/20/2006 and 341/2008 of 3/3/2008). Said commission is headquartered at Av. Corrientes 1302 2nd floor of the Autonomous City of Buenos Aires, and for years has been chaired by Ruben Pascoli who, in turn, and with the vast majority of the directors of said commission, is a member of the civic association “Federation of Land, Housing and Habitat” that is chaired by precisely Luis D'Elía (official sites: www.tierras.gob.ar and www.ftv.org.ar).

To summarize, few people can demonstrate as many credentials as Luis Angel D'Elía to perform the role named here. He has been a staunch defender of the Iranian regime and the national government to the point of regarding himself as “*a foot soldier*”. D'Elía himself acknowledged as much in a conversation with Khalil, when he traveled to Venezuela with Cristina Fernández upon the death of President Hugo Chávez. On that occasion, he stated: “*I’m going to Caracas early... I’m going with the president, Yuse...*”. Then, regarding his absence from the same commemoration of Chávez’s death, which occurred in the Venezuelan Embassy in Buenos Aires, he added: “*I have to play the game of the [Casa] Rosada [the Presidential Palace], daddy. If I’m ordered not to go, I remain here as a foot soldier, do you understand?*” (Conversation of 03/05/2013, telephone no. 11-3315-6908, File B-1009-2013-03-05-231220-24.wav, CD 303). Indeed: a foot soldier, traveling as part of the presidential entourage to accompany the president on her condolence visit for the death of a foreign leader.

However, it is not surprising that, with these credentials and once the rapprochement with Tehran was ordained as part of the criminal plan alleged herein, he has played a key role as liaison, receiving and sending secret messages from the Argentine authorities to Tehran at the various stages of this sophisticated plan. This was verified when the agreement was being negotiated, after the memorandum was signed, when this was held up because of Iran's disinterest and when the stage was set to simulate a negotiated solution to the disagreements that had arisen. He was even part of trade negotiations linked to the plan, which involved the accused Mohsen Rabbani.

There is no other way to interpret the constant telephone and personal contacts he had with Jorge "Yussuf" Khalil, a pillar of the Iranian community in Buenos Aires and Iran's loudest voice in Argentina concerning everything that has to do with the AMIA matter; the meetings he has held with the Iranian chargé d'affaires in Argentina; his involvement in keeping track of the activities of local Iran support groups; the "regulation" of his appearances and public statements by the presidential circle; and regular contact with Legislative Deputy Andrés Larroque, who operates as the main – but not the only – point of contact with the president.

It should be recalled that Larroque's role as intermediary between Cristina and D'Elía was exposed to the public in general when it was made known that the legislative deputy had sent D'Elía the following message, "*Cristina says not to talk anymore until the elections*" ("*Cristina furiosa con D'Elía: No hables más hasta las elecciones*" [Christina furious with D'Elía: Don't talk anymore until the elections], *La Política On Line*, 9/26/2013). This journalistic information is consistent in all the data that emerged from the recorded telephone conversations, as they corroborate that Larroque was the intermediary between Dr. Fernández and D'Elía; through him, information entered and left the presidential office, at least in several incidents related to the facts alleged herein.

In this sense, it should be repeated that Luis D'Elía is not a person who is simply aligned with Cristina Fernández by mere affinity regarding the AMIA case, rather he is one of her operatives, someone working for her interests, to whom instructions are given and who responds unquestioningly. The chosen intermediary to advance the negotiations with Iran was not just anyone, they chose a “foot soldier”.

Below are various episodes that exemplify the role of Luis D'Elía in this network.

First, the words of Jorge Khalil in November, 2012 should be reiterated: “...*I’ve just come from La Matanza where I recently had a meeting with Luis D’Elía and ‘el Cuervo’ Larroque, the one from La Cámpora...who called me early because they wanted to talk with me, since they had a message from the government to present... And now I’m off to Martinez to deliver the message at the Ambassador’s residence...*” referring to Iran’s chargé d’affaires in Argentina, the highest official authority inside this nation (Conversation of 11/17/2012, telephone no. 11-3315-6908, File B-1009-2012-11-17-104846-10.wav, CD 195). And on the next day: “...*I went to La Matanza, I was talking to ‘el Cuervo’ Larroque and D’Elía...from there I had to go to the ambassador’s residence to speak with the ambassador about sending the message they sent me...*” (Conversation of 11/18/2012, telephone no. 11-3315-6908, File B-1009-2012-11-18-100116-6, CD 196).

Second, on January 27, 2013, after Foreign Minister Timerman signed the pact with Iran, the secretary general of the presidency at the time, Oscar Parrilli, contacted Luis D'Elía to inform him of that fact and, moreover, asked him to keep a low profile and not to make any public statements for some ten days (Conversation of 01/27/13, telephone no. 11-3315-6908, File B-1009-2013-01-27-174637-12, CD 266 and Conversation of 01/28/2013, telephone no. 11-3315-6908, File B-1009-2013-01-28-135905-20, CD 267). If Luis D'Elía was not part of the group that carried out the cover-up, this conversation would make no

sense, as he was not a government official. What would be the reason for informing him immediately after the agreement was signed and the reason for asking him to keep silent?

The same request of “strategic silence” was reported to him by “Allan,” but this time through Jorge Khalil: “...*what you need to say to that dark-skinned man...to be quiet, don’t make any comments for ten days...*” And Khalil conveyed to D’Elía: “...*just in case the media or anyone calls you today, keep a low profile for at least 10 days...*” to which the latter responded: “...*sure...Parrilli just told me the same thing. Okay...*” (Conversation of 01/28/2013, telephone no. 11-3315-6908, File B-1009-2013-01-28-135732-18.wav, CD 267, File B-1009-2013-01-28-135905-20, CD 267).

It must be concluded that Dr. Fernández had D’Elía informed of her order of “strategic silence” both through the secretary general and “Allan.” And it is a terrible paradox that the national government authorities ensured that Luis D’Elía was personally informed of the Memorandum signing while both the families and victims of the attack and the community leaders had to find out through the media.

Third, in February 2013, D’Elía was able to provide the then chargé d’affaires of Iran, Ali Pakdaman, the opportunity to publish a notice in the official news agency: “...*in Telam, I was able to...he called me to tell me he wanted it to come out in Telam...and Baharvand called me to tell me the same thing...*” referring to the Iranian diplomat and former chargé d’affaires stationed in Buenos Aires (Conversation of 12/02/2013, telephone no. 11-3315-6908, File B-1009-2013-02-12-185834-30, CD 282). In fact, to articulate this request of the Iranian diplomats, D’Elía turned to his contacts in the government, “...*I managed to do it, I talked to Rodra and ‘el Cuervo’... ,*” alluding to the then Secretary of Media Rodrigo Rodriguez and Deputy Andrés Larroque (Conversation of 02/12/2013, telephone no. 11-3315-6908, File B-1009-2013-02-12-185834-30, CD 282).

Such episodes show yet again that the actions of Luis D'Elía were intended to respond to and protect Iranian interests in compliance with the directives issued by the Presidency of the Nation.

Fourth, in the ceremony on Al Quds Day, Luis D'Elía championed Hezbollah and boasted of his contacts with the terrorist organization charged with executing the attack on the AMIA headquarters (Dinatale, Martin, “D'Elía y Esteche reivindicaron la agrupación terrorista Hezbollah” [D'Elía and Esteche championed the terrorist group Hezbollah], *La Nación*, 08/13/2013). Praising the Lebanese terrorist organization, he referred to his recent trip to the Republic of Lebanon in March 2012, during which he visited the sites of the organization itself and was in contact with its leaders (Discurso de Luis D'Elía en el Acto por el Día Internacional de Al Quds, Mesquita Al-Tauhid, [Speech of Luis D'Elía at the ceremony for International Al Quds Day, Al-Tauhid Mosque] 08/02/20 13).

According to the information available, this trip had been paid for by the “*Free Palestine*” organization (“Luis D'Elía desde Beirut, acompaña la Marcha Mundial a Jerusalén por Palestina. En Buenos Aires, se marchará desde el Obelisco” [Luis D'Elía from Beirut, supports the Global March to Jerusalem for Palestine. In Buenos Aires, the march will leave from the Obelisk] on www.luisdelia.org. 03/30/2012). Moreover, D'Elía thanked the representatives of Iran in Argentina for “...*the opportunity to get to know Lebanon...to be in contact with the leaders of Hezbollah...*” (Discurso de Luis D'Elía en el Acto por el Día Internacional de Al Quds, Mesquita Al-Tauhid, [Speech of Luis D'Elía at the ceremony for International Al Quds Day, Al-Tauhid Mosque] 08/02/20 13). His statements are evidence of his Iranian contacts’ intentions by paying for this visit.

His activism on behalf of that terrorist organization went so far as to ask Jorge “Yussuf” Khalil to facilitate contacts for him with leaders of Hamas and Hezbollah for journalistic purposes. In his words, he asked him “...*to facilitate contacts there with Hezbollah and Hamas...*” alluding – precisely – to Hezbollah, whose involvement in the attack on the AMIA headquarters has been revealed through much evidence in the context of the case (Conversation of 11/24/2012, telephone no. 11-3315-6908, File B-1009-2012-11-24-134118-12, CD 202).

Fifth, he was in charge of conveying the “uneasiness” of Islamic Republic of Iran because of Argentina’s failure to get Interpol’s red notices suspended. This emerges explicitly from the evidence obtained and detailed here.

Khalil: *And...there is a bit of... this is just between us, there is a bit of uneasiness over there, over there, I don’t know why, there’s uneasiness.*

D’Elía: *Uneasiness!?*

Khalil: *Uneasiness, yeah, yeah, yeah. They didn’t like some of the word that were said, I think...* D’Elía: *Okay*

Khalil: *I think that that fucking Russian¹⁹ screwed up.*

D’Elía. *Ah, yes?*

Khalil: *Yes, yes*

D’Elía: *What did he say?*

Khalil: *No...something was signed, including the matter of the preventive measures,²⁰ but listen, let’s talk about this in person.*

D’Elía: *Alright, okay, okay, okay.*

(Conversation of 05/11/2013, telephone no. 11-3238-4699, File B-1009-2013-05-11-083146-8.wav, CD 0022).

Sixth, Luis D’Elía knew perfectly well that one of the interests of the Argentine government authorities that had led to carrying out the cover-up plan in which he participated was mainly trade.

Recall the sequence of conversations held with Jorge “Yussuf” Khalil May 20, 2013. D’Elía: *I am here, entering Federal Planning and I am going in to see Julio, OK!*

Khalil: *OK, OK, call me later.*

D’Elía: *I am going to tell him that, OK, yes?*

Khalil: *OK, yes, yes, don’t worry.*

¹⁹ Alluding to Timerman

²⁰ This refers to Interpol’s red notices.

After the meeting between Luis D'Elía and Minister Julio De Vido, he again contacted Khalil:

D'Elía: *Well, look, I was speaking here with 'el quía'*

Khalil: *yes.*

D'Elía: *They are willing to send YPF people with the two of us...*

Khalil: *yes.*

D'Elía: *To do business over there.*

Khalil: *Good.*

D'Elía: *He is very interested in exchanging what they have for grain and meat over there, ok?.*

Khalil: *Good.*

D'Elía: *And...how to say? He has a political problem, they need the memorandum to be approved, OK?*

Khalil: *Of course, that matter is absolutely clear Luis... I told you the other day, did you convey to him what I told you?*

D'Elía: *Yes, I told them 10 days ago and they told me that in 30 days it would be approved.*

Khalil: *No, no, I told you that the memorandum would be approved... I told you, but that they were delaying due to that matter...*

D'Elía: *No...no, there was something there... I said what you told me, the incident that occurred.*

Khalil: *Yes.*

D'Elía: *And...the meeting happened because la jefa requested it, huh!*

Khalil: *Good.*

D'Elía: *We are at the highest level.*

Khalil: *that means we are good.*

D'Elía: *Yes, yes, really good...however, if we don't get that memo approved, we will look like idiots there, you know?*

Khalil: *If they don't approve it? they will approve it, they will...*

D'Elía: *Good, but they have to approve it soon, you know*

Khalil: *They are going to approve it Luis, you know how things are in Persia and also the reasoning that doesn't scan, I mean...ummm...De Vido has to*

that “Timerman didn’t comply with some things,” it’s that simple, he didn’t comply with some things...

(Conversation of 05/20/2013, telephone no. 11-3238-4699, File B-1009-2013-05-20-111124-8, CD 31).

The details of that meeting, which D’Elía conveyed to Jorge Khalil, were received in Tehran that same day, when the local leader of Iran summarized: “...We’ve got the green light here to do business and to send people, the main point is that they want to get on with the memorandum... At first, tell them that what Argentina needs is oil, all oil, and all that it’s purchasing... Iran can give it to them in grain, that oil in exchange for grain...do you understand?...and we spoke with De Vido...that all of this was discussed with De Vido... Argentina has a pressing need for oil and Iran has a pressing need for grain and all of that, start the exchange. That’s on the one hand. On the other hand, De Vido understands that in order to move forward on this, in other words, officially, State to State, it is necessary for the Memorandum to be signed, because if it isn’t, only the private companies will continue...since they are working... So, first sign the memorandum to begin doing it State-to-State, because for now the only ones who are working are the private companies...” (Conversation of 05/20/2013, telephone no. 11-3238-4699, File B-1009-2013-05-20-133130-8, CD 31).

Seventh. D’Elía has played a key role in the “staging” articulated by the authorities of the Argentine government in late September 2013 when, supposedly, the Islamic Republic of Iran was expected to respond about whether or not the Memorandum had been approved by the regime.

The reality of what happened is expressed in the telephone conversations between D’Elía and Khalil.

September 27, 2013.

D’Elía: *...I have an urgent message from the Argentine government, to go there urgently, before tomorrow.*

Khalil: *Before tomorrow? Where are you?*

D’Elía: *I’m at the Presidency now.*

Khalil: *Good, I'm heading in that direction.*

(Conversation of 09/27/13, telephone no. 11-3238-4699, File B-1009-2013-09-27-103753-14, CD 161).

Consequently, Khalil attempted to locate the Iranian chargé d'affaires in Argentina to convey the message to him.

Khalil: *Listen, Mohsen, is the man going to be there?*

Mohsen Ali: *The man is going to be there, but he has two meetings...*

Khalil: *No, I need to have 15 minutes with him, I need to give him a message, man.*

Mohsen Ali: *Well, but when?*

Khalil: *It's the Argentine government; they've sent a message for him.*

(Conversation of 09/27/13, telephone no. 11-3238-4699, File B-1009-2013-09-27-104209-26, CD 161)

The following was said in the next conversation:

Mohsen Ali: *Listen, the Ambassador says that he prefers to see you alone because he wants to talk to you. Do not come with him, you should come later.*

Khalil: *No, I can go before, he has the message.*

Mohsen Ali: *Before...*

Khalil: *He just called me. They called from the Government House. He has it, the message.*

Mohsen Ali: *Sure, sure, but he says that he wants to see you to speak to you in private.*

(Conversation of 09/27/13, telephone no. 11-3238-4699, File B-1009-2013-09-27-104852-14.wav, CD 161).

Ultimately, D'Elía went to the Embassy of Iran and asked Khalil to send the message directly to Iran too: he wanted Mohsen Rabbani to get it personally.

D'Elía: *I'm on my way to the Embassy, Yussef.*

Khalil: *Okay, go ahead, I just arrived at the Casa Rosada (Government House), go ahead.*

D'Elía: *Listen, I came because I need you to talk to the Sheikh there, okay?*

Khalil: *Yes, yes, yes, I'm with Ruben, and we'll call the other one.*

D'Elía: *Aaahh, you're with Ruben? I won't worry.*

Khalil: *I'm here with Ruben, I'm finding out about everything, don't worry.*

D'Elía: *Tell him that... explain to him that we are here [unintelligible] and we need that, you know?*

Khalil: *Okay, okay, okay, .*

D'Elía: *That tomorrow both should announce it... Okay?*

Khalil: *Okay, okay, cool, bye.*

D'Elía. *Okay, later, bye.*

(Conversations of 09/27/13, telephone no. 11-3238-4699, File B-1009-2013-09-27-114113-28 CD 161).

In a later conversation, Jorge "Yussuf" Khalil revealed the message.

Khalil: *Hi, can I tell you what it is?*

Karim Paz: *Yes.*

Khalil: *She needs the Iranian government, together with the Argentine government, to announce the formation of the Truth Commission tomorrow.*

Karim Paz: *Uh-huh...*

Khalil: *And...and that's it. They should please announce it jointly at the meeting tomorrow.*

Karim Paz: *We have to see if the Iranians can be ready so fast, we have to see...*

Khalil: *No... I don't know, that's another issue, I'm telling you what they want.*

Karim Paz: *I don't know, it seems that they pulled some bullshit, but all the same the Iranians have the patience of an elephant, so they are going to put up with it.*

Khalil: *Yes, that's why.*

Karim Paz: *... They want to arrange*

Khalil: *Relax*

Karim Paz: *But it seems sloppy -Argentina is, you know, brown-nosing the United States, trouble-shooting for the United States, but they're going to... all the same, they are going to put up with everything, but I don't think that they're going to announce tomorrow that they've already confirmed it. I don't think that the Iranians will be so*

keen on it at the meeting, because the meeting is being put together in a hurry at Cristina's request... (Conversation of 9/27/13, telephone no. 11-3238-4699, File B-1009-2013-09-27-115448-6, CD 161).

At this point, it is worth pointing out D 'Elía's essential role; he was the person whom the president and the other members of the criminal plan entrusted with transmitting messages about directing the cover-up designed to grant the accused Iranians immunity.

In short, Luis D'Elía's history as a staunch defender and advocate of both the Iranian regime and the national government positioned him as the ideal person to carry out this cover-up plan.

He was already participating in the plan when the agreement was still being negotiated, when the Memorandum of Understanding was signed, when it was dealt with in the National Congress, when it was held up by Iran's lack of interest, and when an operation was set up between the parties to simulate that they were attempting to agree diplomatically on a negotiated solution to the disagreements that had arisen.

At various moments in this sophisticated crime, he made essential contributions to its development. He received instructions from Andrés Larroque. He contacted the spokesperson of the Iranian regime, Jorge Khalil, countless times, he contacted the diplomatic representative of Iran and publicly advocated the smooth running of the plan. That is, through his position, he constantly contributed to the advancement of the crime.

d) Jorge Alejandro "Yussuf" Khalil

Jorge Alejandro "Yussuf" Khalil is the most important liaison for the authorities of the Iranian regime in Argentina. In that role, he has been the central link in the connection between the Iranian and Argentine authorities in the context of the criminal actions alleged herein. In fact, in everything

related to the cover-up plan, Khalil has had far more specific influence than the Persian diplomats stationed here. That is, Jorge “Yussuf” Khalil answers to the regime and has acted at all times in accordance with Tehran policies. He has been the voice and ears of Iran in Argentina, has conveyed the messages of its authorities and has defended Iranian interests to local operatives and, at the same time, has relayed the concerns and demands of Argentine authorities to his superiors in Iran.

Khalil was always aware of his position and explained it, stating “*I’m organic, I told him...they give me my orders from over there, I don’t have to lift a finger...I don’t lift a finger,*” alluding to fully obeying the instructions and directives he receives from Tehran (Conversation of 6/6/13, telephone no. 11-3238-4699, File B-1009-2013-06-06-092046-14, CD 48). Khalil is seen in the community as “*...the Embassy contact person...*” and that’s how he described himself (Conversation of 2/14/2013, telephone no. 11-3315-6908, File B-1009-2013-02-14-164341, CD 284). On another occasion he described himself as the link between Argentine officials and the Embassy of Iran, clarifying: “*I’m not working for them, I’m working for our people. As for the Embassy...they ordered me to do one thing, like I am the link...*” in clear reference to Iran (Conversation of 11/18/2012, telephone no. 11-3315-6908, File B-1009-2012-11-18-100116-6, CD 196).

In case there is any doubt about Khalil’s importance as a leader and local link to Tehran, especially for this immunity plan, he himself demonstrates how he handles things and made it clear that he did not care what Ali Pakdaman, then chargé d’affaires of Iran in Argentina, the highest ranking Iranian diplomatic authority in the country, told him. In his own words: “*...I don’t give a damn, Pakdaman...*” (Conversation of 08/12/2013, telephone no. 11-3238-4699, File B-1009-2013-08-12-120458-26, CD 115).

However, it should be clarified that Khalil has noticeably variable ways of engaging with Iranian diplomatic activity depending on the issue

involved, behaving at times compliantly, and on occasion defiantly and autonomously, which demonstrates the significant degree of independence of his channels of contact and, fundamentally, his support in Tehran.

He is supported by, among others, Mohsen Baharvand, former Iranian chargé d'affaires in Argentina and currently a high-level official of the Iranian Ministry of Foreign Affairs. In this regard, he has said: "*Baha knows how I operate and everything...which places I frequent, he knows everything, I tell him, I've always told him everything,*" as opposed to the position he took with one of his successors, Ali Pakdaman, about whom he stated: "*...I don't know what I'm going to say to Safir, because Safir goes and sells it...*" (Conversation of 11/4/12, telephone no. 11-3315-6908, File B-1009-2012-11-04-130024-6, CD 182).

On the day that the agreement with Iran was signed, Pakdaman summoned him to say: "*...you need to go to Iran because Baharvand wants to inform you about how things are going, how they are going to proceed...and besides, the Sheikh [through Mohsen Rabbani] is going to say in front of everyone that everyone is to follow you on it...*" which demonstrates both his close links with the Iranian Foreign Department and – fundamentally – his trust and proximity with the accused Mohsen Rabbani (Conversation of 02/14/2013, telephone no. 11-3315-6908, File B-1009-2013-02-14-164341-10, CD 284).

But beyond certain tensions, it is clear that Khalil is autonomous and has his own power over formal Iranian diplomacy, which he circumvents according to his instructions. "*...I bypassed him because I was told that I have to do things and well...I do them. Besides, I spoke with his boss, and if he has any problem he should tell his boss*" (Conversation of 05/20/2013, telephone no. 11-3238-4699, File B-1009-2013-05-20-133130-8, CD 31).

Needless to say, the current Iranian chargé d'affaires in Argentina got his position thanks to the efforts and acquiescence of Khalil himself, who admitted it by saying: "*...the ambassador is very happy. He is an ambassador who, uh...I see him as the nicest of all the*

ambassadors who have come, the one I work the best with... He is an ambassador whom I've chosen. When they asked me, Tom, Dick or Harry? I said Tom, and I said to this ambassador, do you know that I am the one who recommended you? He said yes, yes, yes, I want to thank you for speaking on my behalf, and so forth and so on. Because his boss, he was a close friend of mine, is a close friend of mine, and the truth is that he is the one who is carrying on negotiations with Argentina" (Conversation of 11/29/13, telephone no. 11-3238-4699, File B-1009-2013-11-29-131946-2, CD 224).

Moreover, Jorge "Yussuf" Khalil considers the current Iranian chargé d'affaires in Argentina to be a "friend" (Conversation of 07/04/2013, telephone no. 11-3238-4699, File B-1009-2013-07-04-004323-8, CD 76), which is evident in certain gestures, for example, such as when the diplomat lent him his car to drive to the province of La Pampa (Conversation of 1/24/14, telephone no. 11-3238-4699, File B-1009-2014-01-24-184418-16, CD 280).

Another significant trait for understanding Khalil's influence in this criminal plan involves his connection to the accused Mohsen Rabbani, whom he contacts by telephone and by email on a frequent basis and with whom he has had a relationship since the time of the AMIA attack: "...*I'm speaking to you about 93, 94, when the bomb exploded...*" (Conversation of 06/06/2013, telephone no. 11-3238-4699, File B-1009-2013-06-06-092046-14, CD 48). Khalil continues to receive orders from the Iranian and periodically sends him news about the AMIA case.

Note Khalil's absolute loyalty in the following conversation regarding Rabbani. On February 27, 2013, on the occasion of parliamentary debate on the Memorandum of Understanding, Jorge "Yussuf" Khalil spoke with Rabbani and stated:

Khalil: They're in the Congress, they are... they're addressing the issue of seeing if you're going to prison, aren't going to prison, and what's going to be the least problem for us [unintelligible] is going to be today...

Rabbani: Defending us [unintelligible]

Khalil: *...we will defend you in Congress, inside the jail, on the outside, everywhere, God willing, because we are the same, you and this community, it's all the same...if they accuse an Iranian, if they accuse an Iranian they are going to have to accuse the entire Islamic community in this the country, in short, I can tell you that.*

Rabbani: *What happened now? This issue is very hot, isn't it?*

Khalil: *Uh, yes, it's very hot, it's very hot, way too hot...I'm sending you emails, didn't you get the news?*

Rabbani: *Yes, yes, Yussuf, thanks.*

Khalil: *I'm sending them to you every day, from all of the newspapers.*

(Conversation of 02/27/13, telephone no. 11-3315-6908, File B-1009-2013-02-27-125331-24, CD 297).

There are several examples of these conversations between Khalil and Rabbani, providing reasonable proof that Khalil has worked hard to keep the accused Mohsen Rabbani informed of every aspect connected with his current status in the proceedings, the AMIA case in general, Tehran's rapprochement with Buenos Aires and, naturally, the Memorandum of Understanding, the path for immunity of the accused Rabbani (Conversation of 02/27/13, telephone no. 11-3315-6908, File B-1009-2013-02-27-125331-24, CD 297; Conversation of 05/20/2013, telephone no. 11-3238-4699, File B-1009-2013-05-20-114842-2, CD 31; Conversation of 05/28/13, telephone no. 11-3238-4699, File 1009-2013-05-28-155549-2, CD 39; Conversation of 11/24/13, telephone no. 11-3238-4699, File B-1009-2013-11-24-103813-4, CD 219 and Conversation of 02/04/14, telephone no. 11-3238-4699, File B-1009-2014-02-04-093431-30, CD 291).

That is, Khalil directly and continuously provided information to Mohsen Rabbani, charged in court for the terrorist attack on AMIA, with a national and international arrest warrant and an Interpol red notice pending, and a direct beneficiary of the cover-up scheme alleged herein.

He has also sent all kinds of information that concerned him and, moreover, has informed him of the information – public and secret – that he collected from local sources, whether coming from operatives with access to the presidential office, as in the case of Legislative Deputy Larroque; from relevant actors who answer to local intelligence services such as “Allan” and Yrimia; and/or the local historical allies of Tehran such as D’Elía and Esteche.

As an example, on May 20, 2013, after the meeting that Luis D’Elía held with Julio De Vido on the deal desired with Iran, Khalil immediately called Mohsen Rabbani to inform him of what occurred:

Khalil: *...today we had a meeting with Planning Minister De Vido, and he is willing to send the highest YPF authorities to arrange with the Islamic Republic and the transaction can be through grain and through other things...well, we’ll see.*

Rabbani: *Send it to me so I can evaluate it.*

Khalil: *...I’ll send an email, very serious, about how the conversation went and you can decide.*

Rabbani: *So, you understand that it’s for sure, the operations?*

Khalil: *Sure, sure... yes, yes, everything is more than sure, ah, you can relax because we are getting it done.*

(Conversation of 05/20/13, telephone no. 11-3238-4699, File B-1009-2013-05-20-114842-2, CD 31)

As stated above, while national courts are rightly accusing certain Iranian officials of having decided, planned and executed the terrorist attack on the headquarters of AMIA in the heart of the capital, one of those accused, Mohsen Rabbani, is negotiating with authorities of our country, through intermediaries and hidden channels, for commercial exchanges of grain and weapons.

It should be added that he has not only kept him informed, complying with Rabbani’s direct instructions, but there is evidence that he has sought to convey a sense of calmness

at various stages of the development of the cover-up, for example, by asserting: “...*everything is going to be fine, relax because everything is going to be all right...*” (Conversation of 05/20/2013, telephone no. 11-3238-4699, File B-1009-2013-05-20-114842-2, CD 31). In that way, he has provided a sense of calm to one of the accused in the attack: “...*Sheikh, don’t worry because tonight when I get home I’ll send you a report about everything that I’m doing...*” demonstrating – once again – his subservience to Mohsen Rabbani (Conversation of 01/20/2014, telephone no. 11-3238-4699, File B-1009-2014-01-20-160302-28, CD 276).

Rabbani’s confidence in Khalil was demonstrated as well, for example, when after a discussion between the two and in light of Khalil’s obfuscation, Rabbani apologized by telling him: “*I’m insulting you in confidence because you are responsible for everything*” (Conversation of 02/13/13, telephone no. 11-3315-6908, File B-1009-2013-02-13-184206-28, CD 283 and Conversation of 02/14/2113, telephone no. 11-3315-6908, File B-1009-2013-02-14-164341-10, CD 284). Or when Rabbani said: “...*don’t mix things up any more. You’re working with me...*” (Communication of 11/24/13, telephone no 11-3238-4699, File B-I009-2013-11-24-103813-4, CD 219) and when he decided “...*Tell him that he coordinated the trip with me...*” (Conversation of 02/04/14, telephone no. 11-3238-4699, File B-1009-2014-02-04-093431-30, CD 291).

Moreover, these contacts fully show that Mohsen Rabbani, from Iran, still makes decisions and operates at the highest level for the Tehran regime, through liaisons he holds in his highest confidence, as in the case of Jorge “Yussuf” Khalil, who received funding sent by Rabbani to support the structure that the accused was able to build on Argentine soil during the decade that preceded the attack on AMIA, and whom he continues to support to date with the assistance of his circle (Conversation of 05/20/2013, telephone no. 11-3238-4699, File B-1009-2013-05-20-114842-2, CD 31, Conversation of 5/28/13, telephone no. 11-3238-4699 , File B-1009-2013-05-28-155549-2, CD 39; Conversation of 01/19/2014, telephone no. 11-3238-

4699, File B-1009-20 14-01-19-002737-2, CD 275; Conversation of 01/20/2014, telephone no. 11-3238-4699, File B-1009-2014-01-20-160302-28, CD 276; Conversation of 04/02/14, telephone no. 11-3238-4699, File B-1009-2014-02-04-093431-30, CD 291).

Jorge Khalil himself acknowledged his participation in the talks, contacts and conversations that facilitated the cover-up plan, when he asserted only five days from the signing of the memorandum: “...*check out who the government is getting close with*, “ alluding to the rapprochement between Argentina and Iran, and added: “...*I’m involved in that deal...*” (Conversation of 02/03/2013, telephone no. 11-3315-6908, File B-1009-2013-02-03-141619-26, CD 273). All the above confirms that in those talks, Khalil has participated, represented and operated for Mohsen Rabbani, but – essentially – as a leader of the regime in Tehran.

Moreover, Jorge Khalil has had a key role in setting up the red herring to divert the judicial investigation of the AMIA cause and to permanently clear the accused Iranians. In that sense, he was the one who remained in constant phone contact with “Allan,” an agent of the Intelligence Secretariat, to design the new scenario. And long before the agreement was signed, Khalil was already working on the issue, along with Fernando Esteche, who also contributed ideas for fabricating the alternative version to explain the attack. In the last months of 2012, Esteche had suggested incorporating into the plan the former prosecutor appointed to act in the AMIA case, Héctor Yrimia, who – following this recommendation – began meeting Jorge Khalil in November 2012. By adding Yrimia, he finally ensured that the version concocted would be credible and would more effectively permit the Iranians to be removed from the case.

He knew very well that to achieve this, there would [have to be] be “*another theory, with other evidence*,” that would attempt to outmaneuver the undersigned and make a mockery of the current investigation into the case using evidence unknown to the court record, and that the “Truth Commission” had not been set up to investigate, but was intended – precisely – to clear

the Iranians: “...someone’s going to get egg on their face here... Obviously, this has already been arranged... How will it turn out for our side, dude? I mean, we’re seated at the table.. “ (Conversation of 01/27/2013 telephone no. 11-3315-6908, File B-1009-2013-01-27-113208-14, CD 266; and Conversation 06/01/2013 telephone no. 11-3238-4699, File B-1009-2013-06-01-224726-18, CD 43).

In fact, an important part of the evidence provided herein and that has enabled uncovering and filing a complaint against this criminal scheme are the telephone conversations held by Jorge “Yussuf” Khalil and wiretapped by court order in the AMIA case. This means that Khalil’s participation and knowledge of the facts have not only justified an indictment against him, but have also enabled the undersigned to obtain sufficient information to reveal and verify the immunity plan implemented.

In short, Jorge “Yussuf” Khalil has played a crucial role in carrying out the criminal cover-up plan engineered by the highest authorities of the Argentine government. We are talking about the local political liaison to the government of Iran, fully committed to the ideas and politics of the regime. A full time advocate of Iranian interests, he has been the secret Iranian contact person in Buenos Aires for accomplishing the planning of the criminal course leading to immunity. By not having an official function, he was perfectly suited for this task, serving as a channel of communication for receiving and delivering the secret and clandestine messages sent by the parties to the cover-up and those who were thereby benefited.

Otherwise, he drove the medium-term purpose of the cover-up, that is, the state-level trade between Argentina and Iran. Accordingly, he extended numerous bridges between governmental agents and Iranian operatives, the most important of which can be summarized in the interest of trading “oil for grain” reported by Minister Julio De Vido, under the orders issued by Cristina Fernández.

Moreover, as already indicated, he participated in setting up the alternative scenario and his contribution was crucial for the smooth course of the cover-up plan.

e) “Allan,” a member of the Intelligence Secretariat, regarding whom there is strong evidence that his real name Ramón Allan Héctor Bogado.

In carrying out the criminal plan, the person identified as “Allan” fulfilled a vital role. In his status of member of the Intelligence Secretariat, with direct access to the presidential circle, he has been a key player in the interaction among the senior government figures involved in the event. That is, he was specially selected to implement, realize and advance the criminal designs of the president and the foreign minister.

First, it should be made clear that “Allan” could be Mr. Ramón Allan Héctor Bogado. Without having taken intrusive evidentiary measures that could resolve this matter, as they are considered the purview of the judicial authorities involved in the complaint instituted herein, it was possible to obtain the following information:

- 1) “Allan” sent Jorge “Yussuf” Khalil, a text message with his personal email address: “allanbogad@yahoo.com.ar (Text message of 12/19/2012, 3:58 pm, telephone no. 11-3315-6908, CD 227).
- 2) In the social network “Sónico” it was possible to find an account holder who matches the header of the email address “allanbogad,” the same as the one that “Allan” sent to Khalil (print-outs are attached for the “allanbogad” account in the social network “Sónico”).
- 3) In a telephone conversation, it turns out that “Allan” is a native of the Province of Misiones. In fact, referring to the National Senator for Misiones, Juan Manuel Irrazabal, Khalil told “Allan” “you’re going to get along

with him because he's from your province “ (Conversation of 12/05/2013, telephone no. 11-3238-4699, File B-1009-2013-12-05-192539-18, CD 230).

4) In obituaries of a newspaper from the Province of Misiones reporting the death of “Allan Héctor Bogado” – who died, according to the data obtained, at the age of 78 – a number of his relatives and those closest to him are identified. His name, nearly identical to the person of interest in this research, permits an a priori assumption of a certain family link between them, reinforcing the hypothesis that Khalil’s contact, “Allan” from Misiones, could be “Ramón Héctor Allan Bogado” (print-outs of the obituaries from the newspaper “El Territorio” dated August 29 and 30, 2013 are attached).

5) In the same newspaper from Misiones, photographs illustrating a middle-aged man are observed who is identified as “Allan Bogado.” In the picture, he is accompanied by others, whose names match some of the contacts of the “allanbogad” account in the social network “Sónico” and several of the relatives of the deceased “Allan Héctor Bogado” (“Mirando el río” [Watching the River], *El Territorio*, digital version dated 02/06/2006).

Based on all this evidence, it is reasonable to suspect that “Ramón Allan Héctor Bogado” could be the identity of Khalil’s contact mentioned in the telephone conversations as “Allan,” notwithstanding the need, naturally, for the presiding judge to corroborate that fact as well in the context of the facts alleged herein.

Beyond the proper identification of this subject, the fact is that this concerns a member of the Intelligence Secretariat who has spoken out and acted on repeated occasions on behalf of foreign interests to the detriment of national ones, who has conveyed to agents of a foreign power information that is secret and protected by intelligence laws, who has worked for and negotiated immunity for fugitives from the AMIA case. In that role, he did not hesitate to pass on sensitive and classified information to his Iranian counterpart. Nor did he have any qualms about helping contrive a “red herring” with false evidence or conspiring against the judicial authorities in charge of the investigation, much less about using

the resources available in the national government to establish good relations with the Iranian community, to obtain favors for them and raze any obstacle that might arise during the execution of the cover-up plan. The fact that he did so by order of his superiors does not in any way exonerate him.

In examining these claims, it should first be noted that the evidence gathered indicates that “Allan” works for the Intelligence Secretariat. His membership in that agency is indisputable based on his own admission and the information he handles. Pay attention to the following conversation between “Allan” and Khalil, held on June 2, 2013.

Khalil: *Two things...how do you see the change there was in the government? The departure of the woman.*²¹

“Allan”: *There were no changes.*

Khalil: *Really? Didn't they remove...the ministers?*

“Allan”: *There was a change in names, not in status.*

Khalil: *No, no, but the name change, especially the woman's, what do you think of that?*

“Allan”: *And...for us, on the inside...where I work, it's complicated. For them, where they are, it's the same, the one who was working was the Crazy one...*²²

Khalil: *Ah ok... tomorrow I want to chat with you at some point*

“Allan”: *Yeah, yeah. I'll give it to you straight, our Director of the Interior was in place because he's the boyfriend of the daughter of the lady who left...*²³

Khalil: *Yes, but do you think they kicked her out, the one who left? I'm asking you this specifically...*

“Allan”: *Ah, because now we're talking about an internal issue. She was with her friend Milani, who has parallel intelligence...eh...*

(Conversation of 06/02/2013 telephone no. 11-3238-4699, File B-I009-2013-06-02-221245-20, CD 44).

²¹ In reference to Nilda Garre, who had been removed from her post as head of the Ministry of Security.

²² Alluding to the Security Secretary Sergio Alejandro Berni.

²³ Alluding to Fernando Pocino, Interior Director of the Intelligence Secretariat.

On another occasion, “Allan” said, “...*I have a bit of gossip... they told me there in “the house...that Interpol is going to lift the arrest warrants against our friends... which is going to happen now...”* alluding to the Intelligence Secretariat as “the house” (Conversation of 02/25/13, telephone no. 11-3315-6908, File B-1009-2013-02-25-151137-12, CD 295).

And his own contacts are aware that he carries out functions in the national intelligence agency. For example, Esteche pointed out: “...*Allan” could solve it, if it’s in the interest, if it’s in the interest of intelligence...”* (Conversation of 12/18/2012, telephone no. 11-3315-6908, File B-1009-2012-12-18-183332-8, CD 226); and Khalil stated: “...*they went to ‘hang out’ with this “Allan” and all those guys...nothing, they went to protest there at 25 de Mayo...”*²⁴ (Conversation of 07/17/13, telephone no. 11-3238-4699, File B-1009-2013-07-17-134828-28, CD 89); and “Allan” was referred to as “*the boss of the SIDE [State Intelligence Secretariat],”* noting that he had mentioned to him that there was “*a strong relationship between them,*” meaning by “they” the intelligence services (Conversations of 06/01/2013, telephone no. 11-3964-0799, File 224753, CD 0086; File 61.30373.20130601.225511, CD 0086).

In addition to this significant body of evidence, the same “Allan” mentioned traveling to the Tri-Border Area in the final stage of the negotiations with Iran, a striking fact that cannot be ignored in this analysis (Conversation of 11/22/2012, telephone no. 11-3315-6908, File B-1009-2012-11-22-121757-24, CD 200).

Moreover, there have been reports indicating that Dr. Héctor Yrimia reports to the same sector of the Intelligence Secretariat as “Allan,” who describes him like this: “...*Yrimia...that one’s my employee...”* (Conversation of 10/07/2013, telephone no. 11-3238-4699, File B-1009-2013-10-07-141519-20, CD 171).

He also has close ties with the pro-government group “La Cámpora,” which is seen in different pieces of evidence. For example, the conversation he had with Khalil in which

²⁴ Location of one of the Intelligence Secretariat facilities.

he said: “...*The La Cámpora kids came to see me... they want to get closer to you*” (Conversation of 02/6/2/2013, telephone no. 11-3315-6908, File B-1009-2013-02-06-203822-26, CD 276). On another occasion, more precisely on May 24, 2013, the eve of a march marking the anniversary of the May Revolution, he explained: “...*I have to organize things so that the La Cámpora column is near the front, so at 11, we’re gathering in their headquarters, which is Piedras and Chile. From there I’ll get them out and we’ll all mix in with the idiots, once it’s finished, I’m leaving...*” (Conversation of 05/24/2013 telephone no. 11-3238-4699, 1009-1020 File B-13-05-24-175330-20.txt, CD 35).

He also belongs to the most intimate presidential circle. In this regard, it should be recalled that when Fernando Esteche suggested to Khalil that he demand some gesture from the government, that they personally involve Dr. Fernández, he explained: “...*the president should go...that’s the easiest for Allan...*” again giving a glimpse of the strategic access “Allan” has to the inner circle of Dr. Fernández (Conversation of 12/18/2012 telephone no. 11-3315-6908, File B-1009-2012-12-18-183332-8, CD 226).

Evidence of “Allan’s” proximity to the president’s inner circle is the information that he possesses. On May 24, 2013, he stated to Khalil: “*I’m telling you the Doctor has the flu and has one hell of a fever. So she’s in really shitty condition, let’s see if she can even manage to speak... if she’s going to speak, she’ll speak later... after four or five*” (Conversation of 05/24/2013, telephone no. 11-3238-4699, File B-1009-2013-05-24-175330-20.txt, CD 35).

On October 7, 2013, Khalil and “Allan” spoke about the health of the president:
“Allan”: *and...she has a blood clot, you see, it’s almost certain that they will operate on her.. She noticed on Saturday when she started exercising*

Khalil.: *did she go to one side?*

“Allan”: *it started to itch...you know when your hand goes to sleep? That makes you itch. And they thought it was her heart and they were shitting their pants when they left! Well, from there they did an entire exam at, the medical team at the villa,*

they put her on a blood thinner, saying that's very good for her, that it would do no more damage, you understand?

Khalil: Now it seems that they are bringing her, right at this moment, they're bringing her to...to the Favaloro, no?

“Allan”: She was admitted an hour and a half ago.

(Conversation of 10/7/2013, telephone no.11-3238-4699, File B-1009-2013-10-07-141519-20, CD 171).

Indeed, according to the information that was reported to the press, officially signed by the Presidential Medical Unit and disseminated by Press Secretary Alfredo Scoccimarro, Dr. Fernández had gone to the Favaloro Foundation for a cardiovascular exam because of arrhythmia, presenting a headache. Scoccimarro said the president had suffered head trauma on August 12 but had not presented any symptoms until then (“Silencio y misterio alrededor del golpe que sufrió Cristina Fernández” [Silence and mystery around the blow Cristina Fernández suffered], *Perfil*, 10/07/2013; “El misterio de un golpe del que no se informó” [The mystery of a blow that was never reported], *La Nación*, 10/07/2013).

As can be seen, neither official information nor information obtained and circulated by the news media until that Monday, October 7, 2013, discloses the degree of detail that “Allan” had on the health of the president, the circumstances under which the clinical situation was detected, her initial symptoms and the medical treatment that Cristina Fernández received before being transported to the clinic.

That means that “Allan” possessed privileged and accurate information of the health of the president, which at that time was not public. And he possessed it in detail and it was up to date. That means, as stated and shown, he belongs to the inner circle closest to the president.

This membership is logical if his actions as part of the criminal plan are analyzed. Otherwise they would have never given him such an extremely sensitive task: to carry out a criminal action by direct order of the president.

Indeed, his actions spanned various aspects of the cover-up plan. First, he acted as a liaison between the national government authorities involved in the cover-up plan and the parallel channels of communication.

In that regard, it is not surprising that it is “Allan” who, just after the treaty with Iran was signed, contacted Jorge “Yussuf” Khalil and asked him to convey to Luis D’Elía a direct message from Cristina Fernández: Not to speak for 10 days.

“Allan”:... *what you need to say to ‘darkie’,.. to be quiet, don’t make any remarks for ten days.*

Khalil: *I’ll call him now*

(Conversation of 01/28/13, telephone no. 11-315-6908, File B-1009-2013-01-28-1 35732-18.wav, CD 267).

Khalil contacted Luis D’Elía right away and conveyed the message.

Khalil: *Listen, just in case the media or anyone calls you today, keep a low profile for at least 10 days.*

D’Elía: *Fine.*

Khalil: *I have my reasons for telling you this...*

D’Elía: *Got it...Parrilli just told me the same thing.*

(Conversation of 01/28/2013, telephone no. 11-3315-6908, File B-1009-2013-01-28-135905-20, CD 267).

The request by itself is not important. It is, however, proof that “Allan” follows orders issued directly by the president. This is evidenced by the fact of requesting exactly the same as the former Secretary General of the Presidency, Oscar Parrilli, but through other channels. In other words, the order was that D’Elía should say nothing. Both Parrilli and “Allan” conveyed it. The fact identical strategic directives were conveyed reveals a single source that, as everything indicates, is Dr. Fernández, which more than confirms “Allan’s” position in the presidential inner circle.

In another conversation with Jorge “Yussuf” Khalil on February 6, 2013, regarding the recently signed Memorandum of Understanding, “Allan” said: “...*we’re doing quite well and we have to work calmly...we have to do a job that will go on for 10 years, do you understand me? In a year and a half we should have good news, but starting now, we have a job that will go on for a long time.*”

Khalil: *Monitor that closely, ok?*

“Allan”: *Yes, but easy, it’s all settled very high up, relax.*

Khalil: *Yes, yes... Monitor it anyway...I know why I’m telling you this... Because I’m hearing things from the other side too. You’re hearing things from one side, I’m hearing from the other”*

“Allan”: *Ah, good, but here, once the law comes out... We can’t, we can’t go back*

Khalil: *No, no, for sure, yes everything’s fine there, but the thing is... I’ll tell you later when we see each other... because they sent me a few things that they didn’t settle, so I’ll tell you later.*

(Conversation of 02/06/2013, telephone no. 11-3315-6908, File B-1009-2013-02-06-203822-26, CD 276).

Likewise, it should be stated for the record that the relationship between “Allan” and Khalil was becoming stronger. In order to ingratiate himself with the Iranian side, “Allan” was opening doors for him to important offices of the government. In that series of “favors” for the Iranians, he managed to get Khalil a meeting with Ricardo Echegaray, chairman of the Federal Public Revenue Administration (AFIP) regarding an issue related to some surety bonds. In fact, when Khalil asked “Allan” for this contact, he responded: “...*there’s no problem...come with me...*” (Conversation of 06/13/2013, telephone no. 11-3238-4699, File B-1009-2013-06-13-213124-24, CD 55).

Khalil also asked him for favors for his contacts in Customs (Conversation of 05/24/2013, telephone no. 11-3238-4699, File B-1009-2013-05-24-175330-20.txt, CD 35). In fact, on another occasion, “Allan” pledged to secure positions in the National Customs Administration and in the Ministry of the Interior and Transport for people of the

Shiite community; “...*there must be changes in transportation and customs and there they are going to try to place...ten people on each side*” (Conversations of 07/04/13, telephone no. 11-3238-4699, File B-1009-2013-07-04-112603-6.txt, CD 76 and of 07/07/13, telephone no. 11-3238-4699, File B-1009-2013-07-07-152130-22, CD 79).

These episodes indicate that there was an order, from the highest level of power, authorizing definite access, contacts and advantages to the leaders of Iran and Argentina, within a context that was much broader than what the immunity plan signified. “Allan” was a central actor in this “opening of doors” to the local contacts of the accused fugitives. Yet more evidence of the proximity among those who advanced the cover-up scheme.

Furthermore, when the agreement was finally signed, “Allan” said to Khalil: “...*Relax, we’ve already won; that is, we’ve won a match. I told you; you didn’t have faith in me...*” referring to himself and to his contact as components of the same part of the agreement, as participants in the same interests that, as is today known, was more than this; it was a criminal plan to provide immunity (Conversation of 01/28/13, telephone no. 11-3315-6908, File B-1009-2013-01-28-135732-18.wav, CD 267).

This alignment with the accused Iranians is also revealed in his own words, given that he went so far as to refer to them as “friends” (Conversation of 02/25/13, telephone no. 11-3315-6908, File B-1009-2013-02-25-151137-12, CD 295).

On innumerable documented occasions, “Allan” provided an operative of the Iranian regime, such as Jorge Khalil, who has a direct and comfortable relationship with the accused Mohsen Rabbani, with policy information on the government of Cristina Fernández that was not public. This also reveals the enormous degree of trust that “Allan” placed in Jorge Khalil.

On one occasion, Khalil asked that he look into certain matters; for example, he said to him: “...*I have a meeting with a*

person...who claims to be a friend and, truthfully, I need to check out a few things..." (Conversation of 11/22/2012, telephone no. 11-3315-6908, File B-1009-2012-11-22-121757-24, CD 200). This type of request constitutes new evidence of the link between "Allan" and the intelligence [agency].

When Khalil asked "Allan" to check out some information regarding such a matter or an individual, it's as if Mohsen Rabbani himself – to whom Khalil reports and with whom he speaks periodically – were using the state intelligence service for his own needs and interests.

Furthermore, this person relayed it to Iran's agent, Jorge Khalil, who had been in Switzerland for a month before the agreement was signed in Africa, so that he would work on it: *"...all the work we've been doing for this...you know that I was there in Geneva a month ago..."* (Conversation of 01/28/13, telephone no. 11-315-6908, File B-1009-2013-01-28-135732-18.wav, CD 267). "Allan's" involvement is quite clear.

Another crucial contribution by "Allan" in carrying out the criminal plan concerns the construction of the new criminal theory for the AMIA cause that removes the charges filed by the national courts against the Iranians.

In this sense, "Allan" stated: *"...we're in a different country, this is a different world situation and we need to work in a different context..."* and this *"working in a different context"* implied that the priority was a geopolitical rapprochement with Iran, which involved setting aside the charges against the officials of said country (Conversation of 06/01/2013, telephone no. 11-3238-4699, File B-1009-2013-06-01-224726-18, CD 43).

For this purpose, he reported to the agent of Iran: *"...he knows what is to come, that there will be another scenario, with different evidence and he'll have his head up his ass because he never saw the evidence, you understand me, my brother?..."* He is referring to the undersigned (Conversation of 06/01/2013, telephone no. 11-3238-4699, File B-1009-2013-06-01-224726-18, CD 43).

In a few words, this person, with a strategic position inside the national government, informed an agent who works for a

foreign power that false evidence would be presented in order to alter illegally the course of a judicial case, discredit the current investigators and cover up for the accused, and this information was sent to a person charged by and a fugitive from the Argentine courts.

The gravity of the actions carried out by “Allan” in this scheme should be emphasized because he used his position in the national government to provide information that was not public, including information about the case, about the undersigned and about the agreement, to an official representative of Iran, Jorge “Yussuf” Khalil, who soon reported it to various individuals, among them Mohsen Rabbani, one of those accused of terrorism by the Argentine courts and who has an Interpol red notice pending against him.

At the same time, the president and the foreign minister, flaunting their skills in distorting reality, were proclaiming that the only interest motivating them was to unblock the case and that they were only seeking truth and justice. What a paradox.

Finally, it might be quite telling that “Allan” did not consider it necessary to work in a concealed manner. This can only be due to the fact, as has already been shown, that he was working under orders from superiors. His Iranian contacts knew perfectly well to whom he reported and in what circles he traveled. He himself admitted that the information he possessed came from his workplace, the Intelligence Secretariat, and thus he has conveyed privileged information without having to conceal his identity or his activity, with the ease of someone carrying out orders and not of someone leaking secrets and jeopardizing his job.

Besides providing secret and privileged information to the local Iranian contacts, “Allan” radiated a sense of calm at various times during the unfolding of the cover-up. So, for example, when the new report was issued by this Prosecutorial Investigation Unit on May 29, 2013, presenting new evidence that examined in greater detail the involvement of the accused Iranians in the attack, he said to Khalil in reference to that opinion: “...*It goes no further...when it gets to the judge up there, what is he going to do?*” (Conversation of 05/31/2013, telephone no. 11-3238-

4699, File B-1009-2013-05-31-095657-14, CD 42), letting it be known that everything was under control, that nothing was going to happen with this prosecutor's opinion, because the decision ultimately depended on the various instances of the Judicial Branch and not on what was shown or claimed by the Office of the Attorney General.

In this way, he preserved an air of calm and good connections with the Tehran contacts in Buenos Aires, whom he had to contain and assist, with the ultimate goal of supporting the "fruitful" relationship with the Iranian regime and to thus facilitate the advancement of the criminal plan.

In conclusion, there are solid grounds to assert that the authors of this criminal plan have put in place an individual close to the top of the Intelligence Secretariat, a person trusted by the president, to collaborate with the Iranians' activities in a manner parallel to the implementation of the cover-up scheme. And, through this individual – who is no other than "Allan" – they opened the doors to the levers of state so that the local representatives of Tehran were able to use these resources and contacts to their benefit.

We are looking at one of the individuals used by the parties to the cover-up to advance the criminal plan. It is clear that "Allan" was carefully selected for his access to the presidential circle, for his position within the Intelligence Secretariat, for his open sympathy with the Iranian regime, for being a direct and frequent contact of Jorge "Yussuf" Khalil, for his dedication, obedience and, above all, for his lack of scruples when the time came to manipulate evidence and individuals and to invent false theories to achieve the goals of the cover-up.

f) Fernando Luis Esteche

Fernando Esteche is the leader of the "Quebracho" group, and for a long time now he has expressed clear opposition to the charges against the Iranians in the AMIA case.

At the same time, the close link among members of the "Quebracho" group, officials and former officials of the government of Cristina

Fernández has been exposed to the public. In fact, “Quebracho” was referred to as an “*adherent to the governing party*” (Morales Solá, Joaquin, “Las dos miradas de EEUU” [The two views from the USA], *La Nación*, 02/23/2014). It was also said that despite Esteche’s arrest, this group had maintained “...*informal ties to the Ks...*” (Van Der Kooy, Eduardo, “El activismo de Quebracho ocupa el vacío callejero que dejaron los K” [Quebracho’s activism fills the void left by the Ks], *Clarín*, 02/20/2014). In July of 2011, information emerged claiming that Luis D’Elía and the Quebracho group, among others, were receiving political support and even financing from the Iranian government (Dinatale, Martin, “Preocupan vínculos con D’Elía y Quebracho” [Link between D’Elía and Quebracho causing concern], *La Nación*, 07/18/11).

To understand Fernando Esteche’s participation in this cover-up plan, one must keep in mind that he is also linked to the accused Mohsen Rabbani, to Legislative Deputy Andrés Larroque, and is in regular contact with Jorge “Yussuf” Khalil.

Indeed, he traveled to the Islamic Republic of Iran in late February and early March 2010, together with the accused Luis D’Elía and Jorge Khalil, during which time he participated in the 31st anniversary of the Islamic Revolution and had personal contact with Mohsen Rabbani (“D’Elía y Esteche vieron en Irán a un sospechoso de volar la AMIA” [D’Elía and Esteche met in Iran with one of those suspected of blowing up the AMIA], *Perfil*, 03/06/2010).

Furthermore, his relationship with National Legislative Deputy Andrés Larroque is a fact. Esteche himself has acknowledged this: “...*today I have to see, yes, today I am going to the Capital to see him...*” alluding to Legislative Deputy Larroque (Conversation of 11/19/2012, telephone no. 11-3315-6908, File B-1009-2012-11-19-121034-16, CD 197). So much so that in terms of the existing ties between Esteche and Larroque, Khalil asked him to help set up a direct relationship with the legislative deputy (Conversation of 11/20/2012, telephone no. 11-3315-6908, File B-1009-2012-11-20-131705-12, CD 198).

Now this is the person who facilitated or made feasible the advancement of the cover-up plan through at least two specific actions. First, he facilitated the connection between the Iranian agent in

Buenos Aires, Jorge Khalil, and Argentine government officials. Specifically, he put him in touch with Intelligence Secretariat operatives, the person known as “Allan” and Dr. Héctor Luis Yrimia, all of whom were involved in matters that included contriving the false theory meant to replace the one involving the Iranians being covered up for.

Indeed, Jorge “Yussuf” Khalil expressly acknowledged that it was thanks to Esteche’s actions that he sat down with the Intelligence Secretariat officials to work on furthering the cover-up plan (Conversation of 11/04/2012, telephone no. 11-3315-6908, File B-1009-2012-11-04-130024-6, CD 182).

Second, Esteche personally contributed specific ideas for constructing the Cristina Fernández administration’s new and false theory of the attack of July 18, 1994. See what he stated in December of 2012 about the steps that had to be taken regarding the cover-up: “...the *new perpetrator of the AMIA, for instance, it’s something they have to build, they will want to start building consensus on this...they are not going to be able to say that it was the Israelis...*” suggesting that they could attribute the event to “...*a connection to local fascists...*” (Conversation of 12/18/2012, telephone no. 11-3315-6908, File B-1009-2012-12-18-183332-8, CD 226). And contributing a specific idea, he added: “...*The AMIA prosecutor is one of theirs, Yrimia, who was kicked off the AMIA case, he can...generate information for you. I want to get information about the AMIA case – can it be done or not? What are they willing to contribute?...*” (Conversation of 12/18/2012, telephone no. 11-3315-6908, File B-1009-2012-12-18-183332-8, CD 226).

It was precisely Esteche who contacted Dr. Héctor Luis Yrimia and connected him with Iran’s local contact in the country, Jorge Khalil, to give him information about the court case so that he could help fabricate, with a certain degree of credibility by virtue of the information provided, a new theory about the attack, with other suspects. Indeed, in a conversation, Khalil remarked that he had met for two hours with “*the former judge and former prosecutor in the AMIA case, Yrimia*” and that the

contact came from acquaintances of Esteche (Conversation of 01/19/2014, telephone no. 11-3964-0799, File IN-12177-20140119-003044, CD 49).

Remember that at the time of the attack, Yrimia was a trial-level prosecutor at the Federal Criminal and Correction Court in charge of Prosecutor's Office No. 6, and was appointed on the same day as the incident to collaborate with the investigation jointly, alternately or successively with regard to the other prosecutors also appointed for this purpose, which provided him access to the file in the early stages. This is a central contribution by Mr. Esteche to the development of the plan carried out here and it took place months before the agreement was signed with Iran, which also demonstrates the planning and knowledge with which these subjects acted at a time when no one, not even the families themselves, knew yet that an agreement was going to be signed, much less its contents. It was logical: in plotting the crime, the scheme being devised harmed them directly.

Furthermore, there are other elements that validate Esteche's link with the Iranians by verifying that he received economic resources from Iran. Khalil commented in that regard: "...*Fernando, the people who work with Heshmat... they're sending him funds...every month...set every month...per employee...*" (Conversation of 11/30/2012, telephone no. 11-3315-6908, File B-1009-2012-11-30-163313-28, CD 208). This network of links made him another important hub in the negotiations and communications pipeline, which drove and enabled the cover-up plan in progress.

g) Héctor Luis Yrimia

Another of the individuals who played a significant role, collaborated and provided information to the Iranian agents in Argentina, and contributed to constructing the new false theory and advancing the

cover-up plan, was former National Criminal and Investigative Judge and former Federal Prosecutor Dr. Héctor Luis Yrimia.

The first posted record of the contact between Jorge “Yussuf” Khalil and Héctor Yrimia dates back to early November 2012: *“I had a talk with the prosecutor... The prosecutor of the cause...the one that was there before, not the one that is there now...”* (Conversation of 11/04/2012, telephone no. 11-3315-6908, File B-1009-2012-11-04-130024-6, CD 182). This was already occurring scarcely one month after the negotiations with Iran were publicly announced and before the signing of the Memorandum of Understanding.

In view of the development of the later events, it is completely logical that by that time they were already working on constructing the alternate lead, the false theory that would remove the charges against the Iranians.

Yrimia joined in the plan and began his regular contacts with Tehran’s local liaisons thanks to the intermediation of Fernando Esteche. Khalil explained it this way: *“...And the one who takes care of me is Fernando”* (Conversation of 11/04/2012, telephone no. 11-3315-6908, File B-1009-2012-11-04-130024-6, CD 182), whom he suggested as the source of information: *“that can be very useful to you for any of the theories...for any of the things that are going to be resolved, it’s going to be useful because it’s information”* (Conversation of 12/18/2012, telephone no. 11-3315-6908, File B-1009-2012-12-18-183332-8, CD 226). There is key evidence linking him to the Intelligence Secretariat: *“The AMIA prosecutor is one of theirs, Yrimia”* (Conversation of 12/18/2012, telephone no. 11-3315-6908, File B-1009-2012-12-18-183332-8, CD 226). These references indicate that Dr. Yrimia answered to the same sector of the Intelligence Secretariat as “Allan,” who asserts: *“...Yrimia...that one’s my employee...”* (Conversation of 10/07/2013, telephone no. 11-3238-4699, File B-1009-2013-10-07-141519-20, CD 171).

Jorge “Yussuf” Khalil’s contacts with Dr. Héctor Luis Yrimia continued month after month and intensified. In January of 2014, Khalil commented to Abdul Karim Paz: *“...Today I spoke with the former judge and*

Former prosecutor in the AMIA case. Yrimia...I had a two hour meeting...” (Conversation of 01/19/2014, telephone no. 11-3964-0799, File IN-12177-20140119-003044, CD 49).

In fact, for the same period, conversations were recorded between Khalil and Héctor Luis Yrimia that give an account of his participation in the criminal plan (Conversations of 01/20/2014, telephone no. 11-3238-4699, File B-1009-2014-01-20-205332-26, CD 276 and Conversation of 01/24/2014, telephone no. 11-3238-4699, File B-1009-2014-01-24-153750-18, CD 280).

As early as February 2014, conversations were recorded in which the lawyer identified himself without any hesitation: “...*Hello, Jorge, it’s Luis Yrimia...*” to whom Khalil responded: “*How are you doing, dear doctor?*” (Conversation of 02/11/2014, telephone no. 11-3238-4699, File B-1009-2014-02-11-114448-6, CD 298).

The significant degree of trust revealed by the contacts between Khalil and Yrimia is not only in keeping with the serious subjects that united them, but also reflects the progress made in their tasks. There is evidence confirming that on more than one occasion, Jorge Khalil brought together Dr. Yrimia and Iran’s chargé d’affaires in Argentina, a fact known only to the intelligence agent “Allan” (Conversation of 01/23/2014, telephone no. 11-3238-4699, File B-1009-2014-01-23-212332-26, CD 279; Conversation of 01/24/2014, telephone no. 11-3238-4699, File B-1009-2014-01-24-153750-18, CD 280; Conversation of 02/11/2014, telephone no. 11-3238-4699, File B-1009-2014-02-11-114448-6, CD 298).

Furthermore, there is information showing that the topics discussed between the two became diversified and addressed the possibility of creating a religious rapprochement (Conversation of 01/19/2014, telephone no. 11-3238-4699, File B-1009-2014-01-19-002737-2, CD 275). Khalil himself acknowledged it in this way: “...*I’m getting together with the top person of those who work politically for the Vatican...they’re the ones who are arranging the whole story...*” alluding to the fabrication of the false lead that

redirected the investigation of the “AMIA” cause towards another theory and other suspects. And he added: “*we are talking about working, to do work jointly between the church and the Shiites...those are the excuses. Now, later, these guys worked on that a lot...one was...a former judge in the AMIA cause...Yrimia...Yrimia...that’s who I met with today...*” (Conversation of 01/22/2014, telephone no. 11-3238-4699, File B-1009-2014-01-22-102353-16, CD 278).

The meeting on religious matters, completely separate from the object of the complaint, constitutes an excuse, as Khalil acknowledges, since the connection to Yrimia was always centered around covering for those accused because of AMIA.

In fact, in mentioning “Allan,” both Khalil and Yrimia refer to the “*mutual friend*,” with whom they should get together on “*the other matter*,” i.e., the issue “*besides the religious work*,” in clear allusion to the AMIA cause and the elaboration of the theory used to derail the investigation and dismantle the charge against the Iranians (Conversation of 02/03/2014, telephone no. 11-3238-4699, File B-1009-2014-02-03-144547-22, CD290).

One cannot neglect a reference to how these individuals masked their criminal activities. While they were meeting on lawful and legitimate matters, such as drawing two religions closer together, they were also, at the same time and at the same meetings, driving the criminal plan led by the president and the foreign minister.

This way of acting is, regrettably, familiar to this Prosecutorial Investigation Unit, because it is none other than the dual method the Iranian agents have used to conceal surreptitious and even criminal activities. They hide their criminal intent behind religious or cultural façades. As such, it is truly worrisome to see that dynamic replicated in this new cover-up, or in part of it, at least.

In conclusion, the plan to extend permanent immunity to the accused Iranians is certainly still in place. Its participants

continue working, as was shown in the above paragraphs.

Dr. Yrimia's contribution to the criminal plan has been substantial. He has drawn on his knowledge about the AMIA cause for the cover-up scheme. This concerns specific knowledge that he obtained through his previous position as a federal prosecutor specially appointed through the Federal Attorney General's Office to handle the investigation into the attack on the AMIA community center (Resolution No. 37/94 dated 07/18/1994), by express instruction of the Ministry of Justice (Resolution No. 83 of the same date).

In that role, he learned specific details, saw evidence, witness and expert testimony, technical reports, the results of search warrants, heard the versions of the first people charged. That exhaustive degree of knowledge has made him essential to the development of the plan.

And his input has been just where it is most useful: in crafting the false theory. He was and is in a position to state with certainty whether this or that theory is believable or not, if it fits with the evidence in the file, if any points should be modified, etc. In other words, by leveraging the information he obtained through his role as a public official, he has ended up engaging in criminal conduct. Nor can we overlook the fact that he spent several years as a federal judge. That experience lends him the technical proficiency needed to make the false theory viable.

His contribution has, therefore, turned out to be extremely valuable to the criminal plan alleged herein.

h) Andrés Larroque

Both Luis D'Elía and Jorge "Yussuf" Khalil have been shown to be people who were carefully selected to handle clandestine contacts in the cover-up plan. One of the

qualities they share is that, despite their profound intimacy with the governments they represent and the trust they inspire in their leaders, they are not official figures. They do not hold any public positions nor do they have any visible political responsibilities in the governments they serve. But the common denominator is that they operate in close proximity to those in power, they are confidantes of those in power, and, it is worth repeating, they possess – within their respective spheres – a lot of power.

To act as the intermediary between the authors of the criminal plan and several of its perpetrators, they turned to someone who could easily justify various and sundry contacts: National Legislative Deputy Andrés Larroque, who served as the go-between for the President, Dr. Cristina Fernández, and Luis D'Elía, for the purpose of advancing the crime alleged herein.

This assertion is not mere conjecture, nor is it made by inference or deduction. Direct evidence that proves it is reproduced herein. Khalil has bluntly admitted that he received messages directly from Larroque: “...*I was talking with D'Elía and with ‘el Cuervo’ Larroque and they asked me to do this and I got the message to Safir*²⁵ ...and Safir told me the same thing... ‘let’s not do something that might bother them’.” (Conversation of 11/18/2012, telephone no. 11-3315-6908, File B-1009-2012-11-18-095153-16, CD 196). In another discussion about that encounter, he offered: “...*I recently had a meeting with Luis D'Elía and ‘el Cuervo’ Larroque, the one from La Cámpora...they wanted to talk with me, since they had a message from the government to present... And I’m now off to Martínez to deliver the message at the Ambassador’s residence*” (Conversation of 11/17/2012, telephone no. 11-3315-6908, File B-1009-2012-11-17-104846-10.wav, CD 195).

The interaction is obvious. Larroque has transmitted messages from federal government authorities involved in the cover-up and Khalil has seen that they get to their Iranian counterpart. The messages in question were about the criminal plan conveyed through parallel channels.

²⁵ Iran’s chargé d’affaires in Argentina.

Larroque's intermediation between Cristina Fernández and D'Elía became public when it was published that the national legislative deputy had sent D'Elía the following message: "*Cristina says for you to not say anything else until elections*" ("*Cristina furiosa con D'Elía: No hables más hasta las elecciones*" [Cristina Furious with D'Elía: Do not say anything else until elections], *La Política On Line*, 9/26/2013). That journalistic information completely matches the data that is forthcoming from the telephone conversations transcribed and/or referenced herein, in that it is through him that information has gone into and out of the presidential office, at least in several episodes related to the facts alleged herein.

The role as intermediary was also necessary in the trade matters underlying the cover-up. Khalil recounted that he had transmitted messages about trade topics with Iran: "*...I went to speak with D'Elía and I told him...all of the proposals and about the Ministry of Foreign Affairs, about the Foreign Ministry too...what it had proposed...And he brought it to 'el Cuervo' Larroque...the one from "La Cámpora," the head of "La Cámpora"...And they were going to talk with Cristina right away...*" (Conversation of 05/14/2013, telephone no. 11-3238-4699, File B-1009-2013-05-14-131007-12.wav, CD 0025).

Before the agreement had even been signed, Larroque was already mediating in order to prevent any complications that could harm the rapprochement with Tehrán. So, in November 2012, he and Luis D'Elía asked Khalil to not have the local Iranian community groups he heads join in a march organized by left-wing parties in support of the "Palestinian cause" and, also, to quit complaining and protesting, because those types of actions could affect the blossoming bilateral relationships.

On that subject, Khalil said: "*...This morning I had a meeting with government members, they asked me to please not go to the meeting...*" and they told him: "*knock off this ruckus, because the issue of...it could have repercussions for the relationship that is being established, the conversations that we are having in Geneva...*" in clear allusion to the diplomatic

rounds that brokered the pact with Iran. And he added: “...So I do not want any of us who represent the Islamic Republic in one way or another...or our community...to go to any of these...I already spoke to Larroque and D’Elía about it...” (Conversation of 11/17/2012, telephone no. 11-3315-6908, File B-1009-2012-11-17-183444-8, CD 195). The following day, he revealed: “...we are not doing any demonstrations here, because we are in full negotiations with the government... I called that meeting...but then I cancelled it...because in light of the negotiations that are ongoing between Iran and Argentina, we don’t want to be seen as meddling. Besides, this was a request from the government. I was talking with D’Elía and with ‘el Cuervo’ Larroque and they asked me to do this and I got the message to Safir...and Safir told me the same thing...’let’s not do something that might bother them’” (Conversation of 11/18/2012, telephone no. 11-3315-6908, File B-1009-2012-11-18-095153-16, CD 196). And he confessed to Esteche: “...on Saturday I went to el gordo’s house, I talked to el gordo, and el gordo, right in front of me, called ‘el Cuervo,’ put him on speaker phone... ‘Cuervo,’ I’m here with Yussef blah, blah, blah,...I am telling him what you told me to transmit. Okay?...” referring, respectively, to Luis D’Elía and Andrés Larroque (Conversation of 11/19/2012, telephone no. 11-3315-6908, File B-1009-2012-11-19-121034-16, CD 197).

This whole sequence exposes the involvement of National Legislative Deputy Larroque to protect the negotiations with Tehran from any unnecessary tension, as required by Dr. Fernández’s cover-up plan. The foregoing does not preclude the other direct involvement mentioned above that contributed to the criminal objective alleged herein.

Furthermore, as already mentioned in previous sections, Larroque has also been in contact with Fernando Esteche, who acknowledged: “...I have to see him today, yes, I am coming to the Capital today to see him...” alluding to the legislator. (Conversation of 11/19/2012, telephone no. 11-3315-6908, File B-1009-2012-11-19-121034-16, CD 197). So much so that, based on the connection between Esteche and Larroque, Khalil asked him to help build a direct relationship with the national legislative deputy (Conversation of

11/20/2012, telephone no. 11-3315-6908, File B-1009-2012-11-20-131705-12, CD 198).

In summary, National Legislative Deputy Larroque has acted, within the framework of this plan, as the link between the president and Luis D'Elía: he has carried messages and instructions to the contact from Tehran, Jorge Khalil, and he kept in touch with Fernando Esteche in regard to the cover-up plan. He was key actor in orchestrating the communications and negotiations that made the alleged scheme viable.

VII. Conclusions:

Throughout the course of this complaint, there has been a detailed explanation of the facts and the presentation of multiple pieces of evidence showing that the President of the Argentine Nation, Dr. Cristina Elisabet Fernández, issued an express directive to have a plan designed and executed that would dissociate the accused Iranian nationals from the cause arising from the attack on the AMIA community center, in order to give them permanent immunity.

It has also been demonstrated that that directive was motivated by the chief executive's decision to bring about a geopolitical rapprochement and to re-establish full, state-level trade relations with the Islamic Republic of Iran, in the understanding that doing so would substantially ease the national energy crisis.

Thus, the evidence showed that the plan hatched by the president was primarily carried out by her Foreign Minister Héctor Timerman, [and] that it took two years of both secret and public negotiations with authorities from the Islamic Republic of Iran, in which the Argentine authorities set aside the cries for justice in the AMIA case and agreed to withdraw the Interpol red notices

as the first step in definitively removing all of the accused Iranians from the judicial investigation.

One of the means chosen, perhaps the most visible, but by no means the only one, to meet the previously agreed-to goal, was the “Memorandum of Understanding” presented as a result of the negotiations between the parties, when in reality, according to the evidence obtained, it was the instrument that enabled the dismantling of the charges against the accused Iranians.

That Memorandum of Understanding has been credited with playing a central role in the cover-up. It was the weapon the partners to the criminal plan employed to call for the withdrawal of the Interpol red notices. The document was also used to guarantee immunity for the fugitive Iranians through the Truth Commission’s actions, the conclusions of which, as we have already seen, were preordained. The Commission would make way for the new false theory that, based on fictional evidence, had been fabricated to replace the charges leveled by the judicial inquiry.

It was also demonstrated that the masterminds of this criminal conspiracy, Cristina Fernández and Héctor Timerman, were abetted by a group of participants who were specially chosen because of their backgrounds and their intimacy with the criminal plan alleged herein. The participation by Luis Angel D’Elía, Jorge Alejandro “Yussuf” Khalil, Fernando Esteche, National Legislative Deputy Andrés Larroque, the former prosecutor in the AMIA cause, Dr. Héctor Luis Yrimia, and the intelligence agent known as “Allan,” whose real name, as the evidence indicates, is Ramón Allan Héctor Bogado, is clear.

There was also an explanation of the evidence showing that both the president and the foreign minister made personal contributions to perfecting the criminal scheme.

The president's specific, concrete contributions clearly showed that she not only decided that this criminal immunity plan would be put together, and tapped several actors to bring it about, but also that she was at all times in control of the schemes, whether giving direct orders to her accomplices or heading up the necessary discourse agenda to camouflage the perpetration of the crime.

For instance, she chose some of the participants in the cover-up, directly involving (at least) one of her ministers and a national legislator; she controlled the progression of the plan every step of the way; she negotiated with one of the fugitive individuals through intermediaries; and she was personally involved in some concealment actions that were required for this sophisticated plan.

In the case of the country's minister of foreign affairs, it was amply shown that Héctor Timerman was – without a doubt – the main implementer of the immunity plan hatched and ordered by the President, Dr. Cristina Fernández.

Using his office, he sent Iran the decision by the Argentine government to abandon the demand for justice in the AMIA cause; he agreed to the withdrawal of the red notices; he signed secret agreements with the Iranian side; he was involved in negotiating, drafting and signing the Memorandum of Understanding, the centerpiece of the immunity plan. And he was personally involved in the campaign to discredit and deceive, intended to destroy the credibility of the judicial cause in order to knowingly and intentionally portray the agreement with Iran as the only suitable course for resolving the case.

Both officials acted with a single purpose: to gain permanent immunity for the accused and put an end to all jurisdictional activity against them, so as to achieve the ultimate objective of having free state-to-state trade with Iran and a geopolitical rapprochement with Tehran, without brooking any reproach from Argentina and worldwide public opinion. This is shown by the evidence gathered, but without in any way discounting the existence of other motives in addition to the ones stated herein,

which in no way alter or diminish the criminal responsibility of the accused.

Some very alarming incidents have taken place while this criminal scheme was being put together. While the arm of justice dedicated and is dedicating huge efforts to securing the detention and subsequent prosecution of those named as having *prima facie* responsibility for participating in the July 18, 1994 attack, the National Executive Branch has been secretly negotiating with precisely one of the accused, Mohsen Rabbani, for an oil-for-grain exchange and, fundamentally, his immunity.

These actions have, with good reason, been grounds for realizing the unprecedented institutional seriousness of the alleged scheme, because that criminal plan is not only an effort to destroy the judicial investigation into the largest terrorist attack our country has ever experienced, but also implicates some of the highest officials in the federal government, including the head of the Executive Branch, in conceiving, planning and implementing the crime.

Because of the unusual scope of this complaint, let us briefly review the most salient points that have been proven in this brief and that have been considered in forming the conviction regarding the commission of a host of publicly prosecutable crimes, namely:

- The decision by the President, Dr. Cristina Fernández, to grant immunity to the accused Iranians and to dissociate them from the investigation into the attack on the AMIA center, was motivated – at least – by geopolitical and trade reasons. The head of state believed that Iranian oil would be able to alleviate the severe energy crisis the country was experiencing. Exchanges, for example, of “grain for oil” were viewed as a solution to the critical situation,

above and beyond any interest in forming a closer relationship with Tehran as part of a new geopolitical positioning on today's world stage.

- These geopolitical and commercial interests were acknowledged by the participants themselves: *“...we are in a different country, this is a different world situation and we have to work in another context...”* and *“...the thing Argentina needs is oil...if there's a real interest in getting going on setting up trade relations on a government-to-government basis with government officials in this country, a delegation from there would travel to Caracas or to the Gulf or better still to Beirut...to begin direct relations on an official-to-official basis...”*
- The presidential decision seeking alignment and/or trade with the Islamic Republic of Iran at the state level is not judicially questionable because it involves powers that belong to the National Executive Branch to conduct the country's foreign relations.
- The option chosen by the president and the foreign minister to arrange that geopolitical rapprochement and trade route was what brought on this complaint, for the simple and sole reason that they opted for an illegal, criminal path and engaged in conduct defined in our Criminal Code, by ordering the orchestration and execution of a plan meant to permanently remove the accused Iranians from the AMIA case.
- Unlike this decision and criminal actions, during the presidency of Néstor Kirchner, the following were rejected outright: all offers from Tehran, that were always meant to reach a politically negotiated solution to this wholly judicial issue. There was testimony corroborating this from several people: former Chief of Staff Alberto Fernández, former Foreign Ministers Rafael Bielsa and

Jorge Taiana, and former Deputy Foreign Minister Roberto García Moritán, who describe the agreements proposed by Iran and their rejection by the former Argentine president.

- The plan sketched by Cristina Fernández included the withdrawal of the Interpol red notices (unexpectedly thwarted by the firm actions of Secretary General Ronald K. Noble), the signing of a bilateral legal document enabling immunity for the accused Iranians, fraudulently diverting the legal investigation toward a new, false lead with fictitious evidence, laying out a media and public relations campaign to dismantle the credibility of the conclusions of the federal courts and manipulating the relatives of the victims, the survivors of the attack and the Jewish community institutions harmed by the 1994 terrorist attack.
- Said immunity plan began in January, 2011, in the Syrian city of Aleppo, when Foreign Minister Timerman told his Iranian counterpart, Ali Akbar Salehi, *“Argentina is no longer interested in resolving those two attacks...but rather prefers to improve its economic relations with Iran...”* That is the first time that a victimized country has begged an aggressor country to sign an agreement that would grant immunity to the aggressors.
- The dealings with the representatives of the Islamic Republic of Iran were held in secret until September 2012, when the president publicly announced the “start” of a negotiation process with Iran.
- Once the meetings were made official, and leveraging the very secrecy of formal diplomatic activity, the contents of the talks were kept hidden, as a logical need for those

involved in covering up the criminal dealings that were being conducted.

- On January 27, 2013, the Memorandum of Understanding was signed in the Kingdom of Ethiopia, ultimately confirming that the negotiations had not been fruitful as a tool for facilitating judicial cooperation with the AMIA cause and/or the extradition of the accused, but that a legal instrument had been drafted, cloaked with legality to make it viable, while concealing the prior decision on permanent immunity for the accused Iranians.
- After signing the agreement, “Allan,” the Argentine intelligence agent, confessed to his counterpart in Iran: “...*Relax, we’ve already won; that is, we’ve won a match. I told you; you didn’t have faith in me...*” proving that the two parties had the same criminal aim. This shows that it was not a matter of two parties negotiating a bilateral agreement, as was publicly presented,, but rather of two partners sharing a sophisticated criminal plan for immunity to permanently dissociate the suspects at large in the AMIA cause from any ties to the attack and to close all investigations into them.
- Ambiguity, vagueness and omission in the text of the Memorandum of Understanding have been relevant ingredients in engineering the cover-up alleged herein, because they have lent the criminal plan the necessary legal and semantic flexibility for the authors of the cover-up to adapt the implementation of their arrangements to the randomness of external and foreign factors that could possibly arise during the course of the plan’s execution.

- The intricate wording of the memorandum confirmed the existence of a carefully crafted drafting process with attention to detail to make the immunity feasible. This established the direct intent with which the plan's protagonists acted, in full knowledge of the purpose of their actions, they sought to dissociate the Iranians from the charges in the attack.

- In it, Foreign Minister Héctor Timerman undertook to withdraw the red notices that were and are in force against five accused Iranians. Therefore, point 7 of the Memorandum of Understanding was written as the only procedural point. The mere signing of the agreement triggered the notice to Interpol for the purpose of invoking the immediate withdrawal of the red notices, as was bluntly admitted by the Iranian diplomatic corps.

- The International Criminal Police Organization (Interpol) promptly intervened in the case, guaranteeing that the red notices would remain valid, and thwarting, for the time being, the promise made by Mr. Timerman.

- That result not only provoked a public objection from the Iranian foreign minister, who demanded: *"...according to the agreement signed by both countries, Interpol (International Police) has to remove the charges against the Iranian authorities..."* but was also recorded in the parallel channels of communication with Tehran: *"...Timerman did not comply with some things. That is crystal clear. He did not comply with some things..."* In Iran, that led to the withdrawal of the agreement from the parliamentary ratification process that had been started and, to date, there has been no official notice that a ratification or any exchange of notes to reverse course has taken place.

- Foreign Minister Timerman not only signed the Memorandum of Understanding, but closed out at least two secret, illegal agreements. As Khalil explained it the day after his return from Tehran: “...*I think that fucking Russian* [alluding to Héctor Timerman] *screwed up...something was signed, including the matter of the preventive measures* [referring to Interpol’s red notices]...” and ratified, in March 2013, by the Iranian foreign minister at the time, Alik Akbar Salehi: “...*The [content] of the agreement between Iran and Argentina in regard to the AMIA matter will be made public at the proper time...*” He was not talking about the Memorandum of Understanding, but about the other agreement that, two months after the memorandum was signed and publicized, was still being kept secret. And that is the context in which the other statements by Jorge “Yussuf” Khalil should also be understood: when commenting on news items reporting that the former Iranian Minister of Defense, Ahmad Vahidi, would never be questioned despite being included in the Memorandum, he assured that that subject in particular “*was discussed before...it was within the framework*” and that the agreement “*goes even deeper.*”
- The Memorandum of Understanding sets forth other means of attaining immunity for the accused. The “Truth Commission” provided for in the agreement was created to discredit the investigation by the Argentine courts and to bolster a new and false version of the facts, fabricated to redirect the inquiry to other suspects, for the purpose of dissociating the Iranians from it. Here is how the parties to the cover-up have acknowledged it: “...*someone’s going to get egg on their face here...Obviously, this has already been arranged... How will it turn out for our side, dude? I mean, we’re seated at the table...*”

- The immunity was agreed to before the Memorandum was signed and included the explanation of an alternative theory with false evidence to fraudulently sidetrack the legal investigation towards third parties, exonerating the Iranians. In reference to that, as early as December 2012, Esteche asserted: “...*they want to create a new enemy of the AMIA, the new perpetrator of the AMIA, it’s something they have to build...*” And one can glean from the conversation that said task fell to members of the Intelligence Secretariat who were specially designated for that task. It was also stated, on this topic: “...*another theory is going to come down, with other evidence...*” and there was speculation that the undersigned prosecutor of the cause in the AMIA attack would “...*have his head up his ass, because he never saw the evidence that is going to come out now...*”

- The local steps and progress in the plan were reported in real time to both the Iranian authorities in Tehran and one of the fugitives accused in the AMIA cause, Mohsen Rabbani, who still wields tremendous decision-making power within the Iranian regime and has been continually informed of the progress of his own cover-up.

- The fact that the Iranian authorities have been kept abreast of what the Argentine government was settling and deciding on again showed that the agreement, far from having contributed to the cause, as was falsely proclaimed, was a legal disguise for a much broader, prior unlawful agreement.

- The influence of Rabbani, one of the accused, has revealed a shameful fact: the active negotiation by the national officials accused in this complaint with one of the fugitive suspects for whom they were, simultaneously,

covering. In other words, while the judicial system was making an effort to secure the detention and subsequent prosecution of those people identified as responsible for the attack, Dr. Cristina Fernández and her foreign minister, through intermediaries, were negotiating with one of the main suspects, Mohsen Rabbani, for the purchase of oil and his immunity. As the man in question said: “...*there are some sectors of the government here who said to me, ‘are you ready to sell oil to Argentina...and to buy weapons, too?’ ...*”

- On a parallel track, and to facilitate the progress of the cover-up, Dr. Cristina Fernández and Mr. Héctor Timerman deployed strategic campaigns to discredit, deceive and manipulate, by orchestrating an arsenal of lies, fallacies, stage management and secrets in order to hide the criminal intentions and to facilitate the execution of the immunity plan.
- Both officials lied when they denied that the rapprochement with Tehran was motivated by geopolitical or trade reasons. They also lied when they assured that the Memorandum of Understanding sought only truth and justice. When they said that the validity of the red notices was not in jeopardy. When they stated that the cause was paralyzed. When they averred that an addendum to the agreement would be signed and then they denied it. When they assured everyone that they were not going to let the AMIA case become a pawn of international geopolitics. When they said there were no secret clauses or agreements, among the many other falsehoods that were recounted throughout this complaint.
- Perhaps the most egregious of the lies had as its protagonist the president, who publicly reassured the survivors

of the attack and the victims' relatives that she would consult with them about any proposal made by Tehran before making any decisions. Not only was there never any consultation, but the relatives had to find out from the media that the bilateral agreement had been signed. Mr. D'Elía, however, who was actively involved in the criminal plan, was informed immediately and personally by the then Secretary General to the Presidency, Oscar Parrilli.

- The actions of the president and the foreign minister also included a verified staging on September 27 and 28, 2013, at which time the meeting between the Argentine and Iranian foreign ministers was publicly reported, while in the meantime the authors of and participants in the plan were secretly coordinating subsequent actions and statements to deceive the public and allow the criminal plan to stay on course. Luis D'Elía, an operator and participant in this plan, specified the request: “...*I have an urgent message from the Argentine government, to deliver to them [referring to Iran] as a matter of urgency before tomorrow...I am in the Presidency now...Believe me, there's no matter of greater importance than this...I need you to speak to the Sheikh there [referring to Rabbani] look, it's a really important matter, OK?...*” The president was seeking certain pronouncements from Tehran that would work for the immunity plan.
- Reality, as established throughout this brief, proved to be diametrically opposed to what Dr. Fernández and Mr. Timerman were publicly claiming. Their deceit was premeditated and their contributions were central to the criminal plan, so much so that the accomplices to the plan were sure that everything was “*settled from way up high*,” everything had been decided “*at the highest level*” because “la jefa

- *requested it*” and her obedient foreign minister carried out the plan because it was “*orders, orders and order.*” Thus shows the evidence that has been gathered.
- Also on a parallel track, and to facilitate the immunity plan, mechanisms were put in place to support and protect the aforesaid contacts from Iran in Argentina, as a by-product of the agreement. They, in their awareness of it, affirmed “*the government is in favor of it now;*” “*...the government [is handling it]...*” and “*...We are looking at an agreement with the national government...behind a negotiation with the national government...*”
- The cover-up and immunity plan relied on the indispensable cooperation of a group of individuals whose functions and contributions made the success of the plan feasible.
- Luis D’Elía, a vigorous defender of the Iranian regime and unconditional “foot soldier” of the president – as he has called himself – was the person elected to transmit and receive clandestine messages to and from Iran. In his words: “*...I have to play the game of the [Casa] Rosada...If I’m ordered not to go, I remain here as a foot soldier...*” D’Elía was, in this plan, the hidden and valid liaison for the Argentine government authorities in clearing obstacles arising along the criminal course. Becoming ideologically close to both parties in the criminal pact, he was in Iran several times. On one occasion, when he was invited by the regime, he was offered an agreement similar to the one that Timerman later signed, that already included the withdrawal of the red notices. In all of his visits to Iran, he met with high-ranking authorities in the regime, and was photographed with – among others – the fugitive Mohsen Rabbani, with whom he has been linked for several years.

- His counterpart on the Iranian side was Jorge Alejandro “Yussuf” Khalil, the regime’s highest local representative, “the voice and ears of Iran” in our country, holding even more actual power than Iran’s former chargé d’affaires. A full-time militant for Iranian interests, he played an identical role to D’Elía in transmitting messages through parallel channels of communication and negotiation, operating – in that fashion – as the contact point in the parallel diplomacy between Buenos Aires and Tehran that was used to secure the immunity plan.

- The intelligence official who had access to the presidential circle, known as “Allan,” with privileged information – including information about the health of the president – has declared his sympathy with the Iranian regime and has acted – on repeated occasions – in alignment with foreign interests to the detriment of national ones. He operated as a go-between for the president and the local contact from Iran, Jorge Khalil, and arranged from the shadows the actions that contributed to the immunity plan, following orders from his superiors. He explained what he could and could not do, what could help and what could hurt. He also explained the government’s steps, and revealed sensitive, secret information to agents in the service of a foreign power, like Khalil, and made it possible to carry out the cover-up, participating, especially, in erecting the new criminal theory, to displace the version put forth by the national justice system, based on the evidence in the cause, that pointed to Iranian citizens being responsible for it.

- The former prosecutor, appointed on the day of the attack to act jointly, alternately or successively in the AMIA cause, Dr. Héctor Luis Yrimia, based on his detailed knowledge of the file and his experience in criminal judicial practice, since he had served as a federal judge, brought valuable

information and technical advice for putting together this new, false theory, so as to turn it into something believable and adaptable to the reality of the judicial cause, which he knew how to do from his experience as a federal prosecutor.

- Fernando Esteche was a facilitator in the criminal plan, and actively contributed to steering the negotiations along parallel channels. It was also Esteche who brought Khalil to the Argentine intelligence officials, making it possible to generate an important route of direct contact between the agents from both countries. It was he who added Dr. Yrimia to the plan, with all the help that provided in perfecting the false lead to redirect the investigation, to which he also contributed concrete ideas.
- National Legislative Deputy Andrés Larroque, someone in direct and assiduous contact with the president, because of his status as a close, trusted advisor, was chosen for the role of go-between to transmit presidential decisions to the people carrying out the criminal plan, knowing that they were criminal. Several episodes have been substantiated in which Larroque brought those presidential instructions, to Khalil as well as D'Elía, as to how they should act. For example, the occasion in November 2012, when Khalil acknowledged: *"...I've just come from La Matanza where I recently had a meeting with Luis D'Elía and 'el Cuervo' Larroque, the one from La Cámpora...who called me early because they wanted to talk with me, since they had a message from the government to present... And I'm now off to Martínez to deliver the message at the Ambassador's residence..."* His involvement has been critical in avoiding, as a precaution, direct contact between the authors of the cover-up and its participants.

The conclusions are nothing more than what are reasonably and logically drawn after a careful, detailed analysis of the evidence

that was gathered. As has been apparent throughout this complaint, in the vast majority of cases, the conclusions arise from direct evidence, while in others they are the result of pieces of circumstantial evidence and rigorous, logical deductions that, because of how serious, unequivocal, precise and plausible they are in conjunction with the rest of the evidentiary elements, help solidify the complaint being made.

Thus, we have set forth the unscrupulous and criminal actions of the authors and participants in the cover-ups who have violated the law, have insulted the memory of the victims, have profited politically from those deaths and have abused the patience and good faith of the survivors of the attack and the relatives of the victims who are seeking and awaiting what is unquestionably deserved: the highest punishment allowed by law for those responsible for this sinister act of terrorism.

VIII. Brief Legal Considerations

Now, as set out above, the criminal scheme alleged herein fits, *a priori*, the definition of the criminal offenses of aggravated accessory after the fact through personal influence, obstruction or interference with official procedure, and breach of duty by a public official (art. 277 ¶¶ 1 and 3, art. 241 ¶ 2, and art. 248 of the Criminal Code).

First, note that accessory after the fact through personal influence (art. 277 ¶ 1) is aggravated with regard to some of the named parties, because of their status as public officials (art. 277 ¶ 3d), and – in all cases – because of the special severity of the underlying offense (art. 277 ¶ 3a). As is known, and although several aggravating factors are present, they are not compatible with each other and the one that will prevail is the one that contains – depending on the case – more specialized elements and that best embodies the legal principle in question.

Second, and only in those instances where the accused are public officials, one or more of the actions reflect the elements of the crime defined in art. 248 of the [criminal] code, by virtue of the specific functional duties of each position that were disregarded in the course of the criminal plan. This is without prejudice to the ultimate application of the pertinent regulations involved.

Third, the criminal action identified and alleged herein also fits the definition of the crime of obstruction or interference with official procedure (art. 241 ¶ 2 of the Criminal Code), because it is an attack on the free exercise of public duty, specifically in this case, the legal activity surrounding the AMIA case.

The normal progression of the activity laid out by Judge Rodolfo Canicoba Corral and the investigation into the attack on the AMIA center, which is the focus of the proceedings in the cause, is – at the very least – hindered by the execution of a plan intended to, in the cited file, cover for a group of suspects accused of participating in said act of terrorism.

Furthermore, from the time the agreement with Iran was signed, which as we now know was a cardinal instrument in the cover-up scheme, serious amounts of effort were consumed with the normal progression of information exchange, items of evidence and other relevant evidentiary components of the inquiry into the “AMIA” case, implemented through international judicial cooperation.

The agreement signed with Iran translates into restrictions and serious infringements on the receipt of evidentiary documentation and information contributed by third-party governments for inclusion in the judicial file.

As is well known, the agreement with the Islamic Republic includes, among other provisions, the obligation to submit all proceedings pending before the Argentine legal system not to the accused, which is by right of law, but for review by the “Truth Commission”

contemplated in the agreement, to be ultimately relayed to the government of the Islamic Republic of Iran. In fact, the eventual disclosure to the Iranian authorities of information, investigations, revelations and/or conclusions drawn by foreign entities and/or agencies, places a severe burden on those international channels that strengthen the cause of evidentiary items of interest, which clearly erects an obstacle to the investigation.

In view of the fact that this complaint involves someone who, it appears from the evidence, is a member of the Intelligence Secretariat, and in that capacity has actively participated in the criminality verified herein, the secretary of intelligence for the Presidency must be ordered to authorize access to all information about that individual (arts. 16 and 17 of Law 25520).

IX. Injunctive Measures

a) Attachment:

Based on the high degree of certainty supporting this complaint, the extent of the harm caused by the crime and the large number of victims affected, it is necessary to request that the Honorable Judge order the attachment of the property of the authors of and participants in the cover-up of a crime against humanity to guarantee compensation for the damages and harm caused to the victims and their families (art. 29 of the Criminal Code) that a possible – and, in this case, probable – guilty verdict would demand. In addition, the requested injunctive relief will prevent any of the

accused from taking steps, during the process, to rid themselves of assets and thereby elude their legal obligations.

In fact, the formal code expressly addresses the present factual situation in art. 518, where it provides: “*In issuing the indictment, the judge shall order that the accused’s property be attached...*” and adds at the end: “*...injunctive measures may be ordered upon an indictment where there is the risk of delay and sufficient certainty to justify them.*”

In other words, the law authorizes injunctive measures of an economic nature, such as attachment, when there is an indictment. Such cases require two tests to be met in order to take effect: whether there are sufficient facts to support a judgment and whether any delay entails a risk.

The first requirement is fully supported by the solid set of evidence laid out in this complaint recounting the accuseds’ criminal behavior that, as shown, has consisted of all sorts of ploys intended to dismantle the charges in the AMIA cause, by putting a sophisticated cover-up plan into play, for the purpose of obtaining permanent immunity for the accused Iranians, in violation of the rights of the victims and their relatives to see that justice is done.

The second requirement – the risk involved in a delay – lies in the extraordinary nature of the alleged illicit undertaking, the nature of the legal principles that are affected and the complete lack of scruples by the subjects charged herein, and requires that the Judge take special precautions in order to prevent new ploys and schemes designed to render the authors and participants in this crime insolvent and harm the victims once again. Therefore, a delay in imposing the requested injunctive measure would render uncertain or even illusory the victims’ right to compensation, which presumes full and effective reparation, and is also appropriate and proportional to the severity of the harm.

In other words, one can assume with a high degree of certainty that the individuals who did not blink at undertaking a criminal cover-up to destroy the main investigation into the AMIA attack would do whatever it takes to protect their personal wealth and thereby avoid the economic responsibilities resulting from the commission of the alleged crime. Moreover, the evidentiary weight of this complaint, based on its very solidity, warrants the application of the requested injunctive measure.

Insofar as the amount to be seized, above and beyond the preventive character of the measure, the legal mandate requires that it be sufficient to guarantee any monetary penalties, civil restitution and costs. In this vein, the compensatory amount must be set based on the seriousness of the act perpetrated, its institutional importance and the high number of victims, considering the actual damage incurred and the pain and suffering caused by the crime.

Since full reparation must be afforded for the harm caused, the large number of victims in a position to claim compensation because of the impact on them is decisive in weighing how much to attach.

Note that there is a direct relationship between the crime and the denial of justice; it has already consumed 18 long months to date; and some of the people involved in the plot hold very high-ranking institutional positions in the federal government.

These parameters must be taken into consideration to adequately arrive at the amount for which the accused should be held liable because, although it cannot compensate for the immeasurable harm, it is the only accepted way of paying reparations for the torment, desperation and impotency of those who have to bear a new cover-up in the investigation into the AMIA attack.

Whereas the parties responsible for the harm are jointly responsible for providing compensation for it, I believe that imposing the sum of \$200,000,000 (two hundred million pesos) is appropriate.

b) Prohibition on leaving the country:

In order to safeguard the objectives of the process from the outset, we pray that Your Honor decree an immediate order prohibiting the following individuals from leaving the country: Luis Angel D'Elía, Fernando Luis Esteche, Jorge Alejandro "Yussuf" Khalil and Héctor Luis Yrimia. The same ban should be instated for "Allan," whose identity must be specified, but based on what is known to date, he could be Ramón Allan Héctor Bogado.

As for the remaining suspects identified in this brief, Cristina Elisabet Fernández, Héctor Marcos Timerman and Andrés Larroque, because of the high public positions they hold, and the powers conferred upon them, it is the opinion of the author that – for the moment – the circumstances do not demand that they be bound to the proceedings through this measure. Nonetheless, the criteria articulated herein can be modified, as allowed by law.

Furthermore, the institutional severity of this complaint, in that it involves a president of the nation and a minister serving in the National Executive Branch and other senior government officials, should not – however – become an obstacle to the legal investigation and the performance of the tasks of an independent inquiry by the Judicial Branch, especially given the seriousness of the facts recorded herein. In fact, it is quite the opposite: it is imperative that these serious events be addressed expeditiously.

Finally, it is understood that this complaint must be filed with Federal Criminal and Correctional Court No. 4 under Dr. Ariel Lijo, who is already monitoring the facts and past irregularities of this investigation, which

also involve false accusations intended to erroneously divert the inquiry and/or cover-up to protect the accused. Those investigations, which proceeded before Dr. Lijo's Court, and some of which are still ongoing, are procedurally identical to the facts alleged herein, in that they are also about activities intended to conceal those charged in the attack, even though they have been revealed by various active subjects at different times during the course of the inquiry. The truth of the matter is that both cases involved criminal schemes designed to hinder the judicial investigation into the AMIA attack.

Along these lines, it is worth remembering that the Office of the Attorney General is an independent agency with functional autonomy and decentralized funding, whose role is to promote justice in defense of the law and of the general interests of society (art. 120 of the National Constitution and National Law No. 24946), and it is under those functional mandates and the regulations in art. 177 ¶ 1 of the Code of Criminal Procedure, that I bring forth this complaint, given that the facts set forth herein meet the *prima facie* legal requirements for the offenses of aggravated accessory after the fact through personal influence, obstruction or interference with official procedure, and breach of duty by a public official, as defined in art. 277 ¶¶ 1 and 3, art. 241 ¶ 2, and art. 248 of the Criminal Code.

X. Prayer for Relief:

Based on the foregoing, I pray that Your Honor:

- I.- Accept this complaint by virtue of the provisions of art. 177 ¶ 1 of the National Code of Criminal Procedure and grant it, pursuant to the procedure set forth in said legislation.
- II.- Make a record of the stipulations in point VIII *in fine*, under the terms of articles 16 and 17 of law 25520, for the purposes Your Honor may deem appropriate.

III. Decree [rest of paragraph redacted].

IV. Take steps to [rest of paragraph redacted].

V. Hear [rest of paragraph redacted].

VI. Take steps to [rest of paragraph redacted].

VII. Take an investigative statement pursuant to law in Art. 294 of the National Code of Criminal Procedure from Cristina Elisabet Fernández, Héctor Marcos Timerman, Luis Angel D'Elía, Fernando Luis Esteche, Jorge Alejandro "Yussuf" Khalil, Héctor Luis Yrimia, Andrés Larroque and the subject identified as "Allan" who, according to the indications to date, could be Ramón Héctor Allan Bogado.

VIII. Place an injunctive attachment on [the property of] Cristina Elisabet Fernández, Héctor Maros Timerman, Fernando Luis Esteche, Luis Angel D'Elía,

Héctor Luis Yrimia, Jorge Alejandro Khalil, and Andrés Larroque up to the sum of two hundred million pesos (\$200,000,000), jointly, pursuant to art. 518 of the National Code of Criminal Procedure, as expressly asked of Your Honor.

IX.- Attached hereto are:

- a) Copies on magnetic media containing the output of the telephone wiretaps of lines 11-3238-[illegible], 11-3315-6908, 11-3964-0799 and 11-6224-0263, ordered by the court in cause 8566, “Pasteur 633 – attack (homicide, injuries, property damage) – Injured Parties: AMIA and DAIA (the Argentine Israelite Mutual Aid Association and the Delegation of Argentine Israelite Associations)” in Federal Criminal and Correctional Court No. 6, Clerk of Court No. 11 – Appendix AMIA-.
- b) certified copies of the testimony of Luis Angel D’Elía and José Ricardo Eliashev; of official correspondence dated November 5, 2012 annotated at p. 132,805; of Memo No. 2194 dated 11/8 /2012 in DIAJU File No. 701211 and Memo No. 5572/14 dated 5/9/2014, both from the Ministry of Foreign Affairs and Worship; and of official correspondence from the Chief of the Interpol Department in the Argentine Federal Police dated 5/12/2014, all from the cause mentioned in the previous citation.
- c) non-certified copies of news articles, publications and other documentation cited in this complaint and identified in the accompanying list.
- d) one (1) compact disc identified as “Audio and Video Recordings – Complaint,” containing nine (9) audio and video files, referred to in this complaint and identified in the accompanying list.

X.- Attach a certified copy of this complaint to the principal corpus of cause no. 8566, “Pasteur 633 – attack (homicide, injuries, property damage) – Aggrieved Parties: AMIA and DAIA (the Argentine Israelite Mutual Aid Association and the Delegation of Argentine Israelite Associations)” in

Federal Criminal and Correctional Court No. 6, Clerk of Court No. 11 – Appendix AMIA-
Prosecutorial Investigation Unit, January 13, 2015.-

[signature]

ALBERTO NISMAN

CHIEF PROSECUTOR

RECEIVED IN THIS OFFICE OF THE CLERK OF COURT TODAY, THE 14TH OF
JANUARY, 2015 AT 8:45 AM, ATTESTED, REFERENCED DOCUMENTATION,
ATTESTED.

[INITIALS]

[ILLEGIBLE]