

March 2013

Playing with Fire

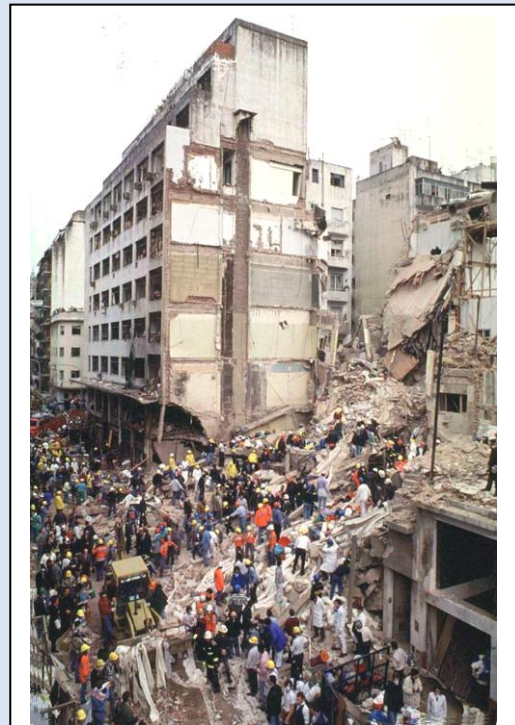
Reflections on the Controversial Deal Argentina - Iran over Buenos Aires Bombing and its Security Consequences

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Summary

Following a stormy session in the Argentine House of Representatives, the government using its own majority, passed a bilateral agreement with Iran with the declared purpose to investigate the **AMIA – Argentine Israelite Mutual Association** bombing attack that occurred in Buenos Aires in 1994. The attack took the life of 85 civilians, Jews and non-Jews, and injured other 330. Apart from the implications for those directly involved, the agreement could bring about alarming security consequences of global reach. In fact, it could help strengthen **Iran's strategy to penetrate Latin America, as a way to consolidate its political position and to elude current international sanctions.**

This brief analyzes the agreement in multiple dimensions, as well as both regional and global security implications. It examines the explicit and hidden aspects, the issues of biggest concern, the underlying reasons, and impacts at all levels, as well as potential political shifts after the signature derived from changes in the international context.



AMIA Bombing – Buenos Aires, July 18, 1994

Facts

On January 27, 2013, Foreign Affairs Ministers of Argentina and Iran signed a **Memorandum of Understanding – MOU about the AMIA bombing**, the deadliest terrorist act ever to occur in Latin America. The nine-point document is based on the intention of both Governments to create a supranational instance to investigate the attack in the form of a “**Truth Commission**,” even though the judicial process in Argentina is still open.

As a result of the Argentine investigation, responsibilities of **high level Iranian government officials** were established in the role of promoters of the attack, and of members of the Shi'a organization **Hezbollah** as the perpetrators.

The many reiterated requests to Iran to cooperate in the clarification of responsibilities of the terrorist act always found a firm denial by the Islamic Republic. Moreover, Iran

went farther and pointed out that the bombing was an **Israel's “self-attack”** and the adverse results of the Argentine investigation **involving Iranian citizens, was a Zionist plot to incriminate the nation.**

Suggestively, several of the directly accused, some of them wanted by Interpol – with Red Notices in place- are today prominent members of the power structure in the Islamic Republic. This group includes the **current Minister of Defense** and **three presidential candidates** in the upcoming elections to succeed Mahmoud Ahmadinejad.^{1 2}

¹ Red Notice - An Interpol notice describing a wanted person and requesting he/ she to be arrested with a view to extradition. It is a wanted notice that is issued by Interpol at the request of an Interpol member country and distributed to all member countries; "an Interpol Red Notice is the closest instrument to an international arrest warrant in use today."

² See the following section: An Infamous Attack, Still Unpunished.

Shortly after the signature, Argentina's President Fernandez de Kirchner sent the MOU to the Congress for its ratification so as to grant it the status of Argentine Law, a stated precondition for its entry into force.³ On February 22 the Argentine Senate, controlled by the governing party, ratified it for a short margin, and the Lower House approved it on February 28, 2013. The document has since been sent to the Iranian Parliament for its consideration.⁴

The MOU was developed by both governments in top secrecy. Reactions in Argentina were basically unfavorable, except for President Fernandez de Kirchner's supporters. In fact, the agreement has been perceived as **highly disadvantageous for the nation's permanent interests**, and many have also warned about its **dangerous international impacts**.

An Infamous Attack, Still Unpunished

To go in a little more detail, the **AMIA bombing**, July 18, 1994 was the second of two consecutive suicide bombings to Jewish-related targets in Argentina. The first attack, on March 17, 1992, was directed to **the Israeli Embassy in Buenos Aires**, and it had a death toll of 29 civilians and 242 more were injured. Both attacks were always suspected to be connected.

The attack to the Jewish Mutual has been being investigated by the Argentine legal system with poor results for the last 19 years.

Even after the establishment of a Special Prosecution Unit in 1996, the case has been marked by a complex plot of cover-ups, incompetence, and impunity. Former President Néstor Kirchner called it a "national disgrace" for Argentina.

To make the situation even worse, Federal Judge **Juan José Galeano**, who was the first in charge of the investigation, was impeached in 2005 because of serious irregularities relating to the process.

Prior to that, in 2002, Judge Galeano had issued arrest warrants for 12 Iranian individuals, including the

Ambassador to Argentina at the time of the attack, **Hadi Soleimanpour**.⁵

In 2003, the investigation determined that AMIA bombing was a suicide attack carried out by **Ibrahim Hussein Berro, a member of Hezbollah**, who had arrived in the country through the **Tri-Border Area** (Argentina, Brazil, and Paraguay). Apart from foreign suspects, a number of Argentine individuals, including members of the Buenos Aires State police, were also prosecuted. However, in 2004 all of them -the so-called "local connection"- were found "not guilty."

In 2006, with a new acting Federal judge, **Rodolfo Canicoba Corral**, the Argentine prosecutors, **Alberto Nisman** and **Marcelo Martinez Burgos** formally accused the **Iranian government** of having planned and provided resources for the attack. They also accused **Hezbollah** of being responsible for the execution of the bombing.⁶

At that time, 8 Iranian high officials and one Lebanese were charged and **Red Notices** were requested from Interpol in November 2006.⁷

Out of the original list, 3 individuals never received Interpol Red Notices, but they are still charged in the Argentine investigation as the **plot's masterminds and political leaders**. They are: the President of Iran between 1989 and 1997, **Ali Akbar Hashemi Rafsanjani**; the former Minister of Foreign Relations and current presidential candidate, **Ali Akbar Velayati** and the named Ambassador **Soleimanpour**.

Interpol issued then Red Notices for the other 6 suspects: the former Minister of Information and Security in 1997, and current presidential candidate, **Ali Fallahijan**; the former government adviser, currently Secretary of the Expediency Discernment Council and also presidential candidate, **Mohsen Rezai**; the former Cultural Attaché at the Iranian Embassy in Buenos Aires, **Mohsen Rabbani**; the former 3rd Secretary of Embassy located in Buenos Aires, **Ahmad Reza Asghari**; the former commander of the elite group – the Qods Force – within the Islamic Revolutionary



³ Senado de la Nación Argentina, "Anteproyecto de Ley sobre memorándum de entendimiento entre Argentina e Irán [Draft Law on Memorandum of Understanding between Argentina and Iran]," February 7, 2013, <<http://www.presidencia.gob.ar/informacion/actividad-oficial/26353-anteproyecto-de-ley-sobre-memorandum-de-entendimiento-entre-argentina-e-iran->>.

⁴ Tehran Times, "Iranian parliament starts examining AMIA agreement", February 27, 2013, <<http://tehrantimes.com/politics/106018-iranian-parliament-starts-examining-amia-agreement->>.

⁵ Soleimanpour was arrested in the UK in 2003 at request of Argentine authorities but latterly released by the UK authorities due to lack of enough evidence for a successful extradition process.

⁶ Prosecutors set Iran's political and operational responsibilities on the attack and the hypothesis of an Iranian government plot prevailed over isolated individuals' responsibilities.

⁷ INTERPOL, "INTERPOL Executive Committee takes decision on AMIA Red Notice dispute," March 15, 2007, <<http://www.interpol.int/News-and-media/News-media-releases/2007/PR005->>.



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CRIME AREAS



◀ RABBANI MOHSEN

Age today : 60 years old
Nationality : Iran



◀ FALLAHIJAN ALI

Age today : 63 years old
Nationality : Iran



◀ ASGHARI AHMAD REZA

Age today : 51 years old
Nationality : Iran



◀ VAHIDI AHMAD



◀ REZAI MOHSEN

Age today : 58 years old



◀ MUGHNIYAH IMAD

Age today : 50 years old
Nationality : Lebanon

Group of six suspects with Interpol Red Notices, it includes the current Iranian Minister of Defense Ahmad Vahidi and 2 presidential candidates , Ali Fallahijan and Mohsen Rezaei

Guard Corps (IRGC) at that time, and current Minister of Defense, **Ahmad Vahidi**, and the high member of Hezbollah, the Lebanese **Imad Fayez Mughniyah**.^{8 9 10}

According to prosecutors, **Argentina had been targeted by Iran** after Buenos Aires decided to suspend transfers of nuclear materials and technology to Iran in 1991, but this reason is still under dispute. Other opinions directly point the attack as an aggressive act **against Israel** in the Argentine territory.¹¹

Concerning the **mastermind responsibility**, Miguel Angel Toma, the former Secretary of Security in 1998 and head of the SIDE- Argentine Intelligence Service at the time when the intelligence report on the AMIA bombing was issued (2003), stated in a recent radio interview: "We know the date, time and location in Iran where the AMIA bombing was decided by the Islamic Supreme Council presided by the Ayatollah Khamenei. It was in August 1993."^{12 13}

⁸ The Qods Force is in charge of exporting the Islamic revolution worldwide, either through direct activities or funding terrorist groups.

⁹La Nación, "Ahmad Vahidi, el hombre protegido por Irán y buscado por la Argentina [Ahmad Vahidi, the man protected by Iran and wanted by Argentina]," February 13, 2013, < <http://www.lanacion.com.ar/1554263-ahmad-vahidi-el-hombre-protegido-por-iran-y-buscado-por-la-argentina>>.

¹⁰INTERPOL, March 15, 2007.

¹¹ Daniel Santoro, "Una investigación que siguió los pasos de un fallido acuerdo nuclear," [An investigation that followed the steps of a failed nuclear agreement], Clarín, October 29, 2006, <<http://edant.clarin.com/diario/2006/10/29/elpais/p-01101.htm>>.

¹² The report was prepared by the SIDE with participation of other intelligence services, and was never disclosed to the public opinion.

As Iran's cooperation with Argentina was null over the years none of the suspects was ever arrested or made available to the Argentine justice by the Iranian Government. As a reaction to this attitude, the successive Argentine governments traditionally criticized Iran's posture in different multilateral forums.¹⁴

Iran, however, raised the hypothesis of a Zionist self-terrorist act, releasing statements like: "Tel Aviv operatives involved in terror attack against Argentina" that have been very common among high level Iranian government officials and like-minded media.¹⁵

¹³ Miguel Angel Toma, former Secretary of Security, Interview in FM Identidad, Buenos Aires, February 18, 2013.

¹⁴ A clear example of Argentine traditional posture was the former President Nestor Kirchner's last speech at the United Nations General Assembly in 2007 when he stated: "We hope that the Islamic Republic of Iran, within the realm of law, accepts and respects Argentine Justice and duly collaborate with Argentine judges to bring to justice those who are responsible for this act." Jorge Rosales, "AMIA: Kirchner critica a Irán por no colaborar [AMIA: Kirchner criticized Iran for not cooperating]," La Nación, September 26, 2007, < <http://www.lanacion.com.ar/947544-amia-kirchner-critico-a-iran-por-no-colaborar>>.

¹⁵ Islamic Republic News Agency, "Salehi: Iran, Argentina adhere to agreement on AMIA case.," February 12, 2013, <http://www.irna.ir/en/News/80541859/Politic/Salehi__Iran,_Argentina_ad here_to_agreement_on_AMIA_case>.

Bilateral Deal: What it Shows and What it Hides

The reading of the MOU immediately makes clear that the most relevant issues are written in a somewhat imprecise language. Such lack of detail may be tricky and, in practical terms, may lead to obstruct the search of truth and justice. For that reason, it is not only important to analyze what the document shows, but also to understand what inconsistencies could it hide.

The main issue is the creation of a **Truth Commission** to analyze all the documentation presented by both states' judicial authorities. The Commission would be structured with 2 representatives selected by each government (non nationals) and a President appointed in mutual agreement.¹⁶

All information about the case would be exchanged between both governments and the Commission. After the analysis of the information, the Commission would issue a **Report with recommendations on how to proceed**, within both states' legal frameworks. Both parties should take into account such recommendations to define their future actions.

The Commission and the judicial authorities of Argentina and Iran would travel to Tehran to “question” only the 6 individuals with Interpol Red Notices.

The agreement will enter into force once ratified by both states. Once ratified, Argentina and Iran could jointly announce Interpol that the bilateral differences over the AMIA case, which had led to the issuing of the Interpol Red Notices, would be solved through bilateral cooperation.

Finally, nothing in the agreement would put at risk the right of individuals warranted by the law.

There are several alarming issues behind the text:

a. The MOU **puts in parity the Argentine and the Iranian judicial bodies**, despite the fact that Argentina is the affected state and Iran is the state formally accused by the Argentine Justice as sponsor and mastermind of the terrorist attack.

b. The instatement of the Truth Commission **automatically stops the judicial process in Argentina** until the Report is issued. This places a clear limit to the action of Argentine justice in a still open case.

¹⁶ Ministerio de Relaciones Exteriores y Culto, Comunicado de prensa [Press release], January 27, 2013 <<http://www.mrecic.gov.ar/es/comunicado-de-prensa-3>>.

c. Even though the Report is presented as “non binding”, once issued, it will guide the Argentine judicial bodies on the course of further action and, depending on the result, **it may lead in practical terms to the extinction of any further process.**

d. The **Audience in Tehran** mentioned in Article 5 is to “question” suspects and **only includes the Interpol Red Noticed individuals (6) but not all the Iranians formally accused** in the Argentine legal process. Doubts have also been raised about the ambiguous meaning of the verb “question” which appears in the English version of the memorandum. This term may be interpreted as either “interviewing” or as “interrogating” suspects within the framework of the judicial cause. In this sense, experts suggest that such vagueness could even make the Audience useless.¹⁷

e. The Audience **does not require physical attendance**, so that suspects can choose not to attend, or if they attend, not to answer.

f. The Tehran “interview” would take place under the Iranian law, which would prevail in case of contradiction with the Argentine findings.

g. Following the text, Interpol would be informed about the agreement, and this fact involves **the risk of removal of the current Red Notices.**¹⁸

h. The document avoids setting deadlines for the successive steps, and therefore the time of completion of the whole process would be uncertain.¹⁹



Hector Timerman and Ali Akbar Salehi, Ministers of Foreign Affairs of Argentina and Iran during the MOU's signature, January 27, 2013.

Argentina: Very Little to Gain

The **legality, pertinence, usefulness, and implications** of the memorandum are the basis of criticism raised against it. Such criticism came, not only from affected parties, such as the AMIA, the Jewish community and the victims' relatives, but also from a wide range of the Argentine society.

Many politicians, experts, and opinion leaders voiced their disagreement by describing the deal as a “**consented scam**”

¹⁷ Note that the English version has not been publicly released but is the only valid in terms of dispute solving.

¹⁸ Interpol decided to keep the 6 Red Notices in place but doubts have raised about its continuity in the future.

¹⁹ Besides the halt of the Argentine Judicial process, no short term advance is expected, and time of completion is very uncertain due to the previous steps required before the commission can issue its Report (including the translation of the Argentine legal case which accumulates about 240,000 pages).

and a “**clear setback**” for the nation, and by blaming the government for promoting it. Among them, the deal is seen as an unnecessary advance of the national executive branch over the judicial one, thus breaking their essential independence.

The surrendering of Argentine sovereignty and national rights by submitting the Argentine Justice to a supranational Commission in what is still an open legal case is perhaps, the matter of deepest concern. According to legal experts, the MOU is **clearly unconstitutional** as it violates at least two articles of the nation’s fundamental law.

The Argentine Constitution forbids ceding national jurisdiction to foreign courts and it also forbids that its inhabitants can be judged by “special commissions.”²⁰

Another key point is the related to the emerging obligations coming from the MOU’s entry into force. This means that the document turns a national law with constitutional status and the binding force of a bilateral treaty. In other words, it becomes **a binding legal document** that has the full strength of law for the states parties, with precedence over any domestic law, as with federal law, whether procedural or criminal and, therefore with permanent implications.

Dante Caputo, a former Argentine Foreign Minister has warned of the implications: “This will change the nature of the commitment: it will no longer be an active obligation of the Executive branch so as to become **an obligation of the Argentine nation**. If, for example, at the end of this dark path, monetary compensation to the families of the victims were agreed instead of prosecution and conviction of those guilty, we could never go back.”

Regarding the **lack of consultation** and the related attitudes of the current administration, Caputo stressed: “This evolution, that none of the suggestions and requests transmitted to the Minister of Foreign Affairs Timerman were taken into account to amend the text, outlines a worrying landscape of the institutional system in Argentina. The Government ignores claims of the main stakeholders and the opposition does not represent them.”²¹

Other opinions pointed out that the **procedure does not ensure the rights of victims**, because the structure of the Commission does not guarantee its neutrality, as **a part of its members are selected by the same actors who are under prosecution**.

In a recent statement, the former prosecutor at the International Criminal Court the Argentine Luis Moreno Ocampo, noticed that **Iran could use the agreement to hide**

²⁰ Mario A.M. Midón, “Acuerdo con Irán: tan inconstitucional como inconveniente,” Clarín, Buenos Aires, February 25, 2013, <http://www.clarin.com/opinion/Acuerdo-Iran-inconstitucional-inconveniente_0_872312788.html>.

²¹ Dante Caputo, “No señora, es un error [No Madam, it is a mistake],” Diario Perfil, February 13, 2013, <http://www.perfil.com/ediciones/2013/2/edicion_753/contenidos/noticia_008.html>.

the responsibilities of the authors, and added: “It is essential that the validity of the former and future legal proceedings by (Argentine) judges and prosecutors is not put at risk.”²²

Why now?

Doubts have been also raised about the timing of the bilateral deal, and about the difficult-to-explain rush of the Argentine government to get it ratified before the end of February. In fact, both countries will run elections during 2013 and it makes the political climate significantly uncertain. Presidential elections in Iran to succeed Ahmadinejad will take place in July and three of the suspects: **Velayati, Fallahian, and Rezaei** will be likely candidates. In October, Legislative elections in Argentina will put under trial the Fernandez de Kirchner’s authority.

Roberto Garcia Moritán, a former Vice-minister of Foreign Relations between 2005 and 2008, also expressed his skepticism about the MOU and its potential implementation. He revealed that: “during Nestor Kirchner’s administration an Iranian delegation proposed a very similar agreement and the former President did not accept it.”²³

Garcia Moritán added that the core reason of his refusal was the conviction that Iran had not showed its will to cooperate with the Argentine justice. The former high official also warned that the MOU could affect the current investigation and the Interpol Red Notices and added that “there is a general coincidence about the difficulty of fulfillment of the 9 points.”

A Categorical Triumph of Iran

It is evident that the creation of a Truth Commission over the Argentine justice is, per se, a **successful move by the Iranian diplomacy**, since it has made the Argentine government distrust its own legal system and reconsider the guilt of the Iranian suspects.

More importantly, however, are the underlying reasons and the international consequences of the deal.²⁴

The move has been celebrated in Tehran as “as a serious setback for the United States and Israel and their anti-Iran efforts.”²⁵

²² La Nación, “Moreno Ocampo: Irán podría usar el acuerdo “para ocultar a los responsables” del atentado [Moreno Ocampo: Iran could use the agreement “to hide those responsible” for the attack],” February 10, 2013, <<http://www.lanacion.com.ar/1553645-moreno-ocampo-iran-podria-usar-el-acuerdo-para-ocultar-a-los-responsables-del-atentado>>.

²³ Juan Pablo Elverdin, “Irán le ofreció un acuerdo igual a Néstor Kirchner, pero lo rechazó, entrevista a Roberto Garcia Moritán [Iran offered a deal equal to Néstor Kirchner, but he refused, interview to Roberto Garcia Moritán],” Infobae, February 14, 2013, <<http://www.infobae.com/notas/696451-Iran-le-ofrecio-un-acuerdo-igual-a-Nestor-Kirchner-pero-lo-rechazo.html>>.

²⁴ See sections: Reasons behind the Agreement; Adverse Security Consequences.

As stated by Hossein Avazpour, a member of the Iranian Parliament's Foreign Policy Commission, there is a feeling in Iran that this pact could mean the end of the AMIA case.²⁶

Iranian analysts close to the ruling regime believe that establishing a fact-finding Commission is indicative that the Argentine government is unsure about the correctness of the available evidence and it has accepted that the evidence should be verified by a third party. In other words, Argentina is ceding its sovereignty to a foreign body because of its own judiciary mistakes.

The Iranian view leaves little room for speculation: it is very explicit concerning its disrespect for the Argentine justice. An Op-Ed published in the Tehran Times, one of the main governmental unofficial voices, gives opinion about the current federal judge in charge of the cause: "A low-profile Zionist judge was even assigned to head the investigation, who repeated the baseless accusations against the Iranian government and officials for years. He was clearly in the service of the United States and Israel in their plot against the Islamic Republic of Iran."²⁷

Concerning the Audience mentioned in Article 5, Iranian analysts think that, given the spirit of the MOU, persons involved in this case should meet the Commission, and not the Argentine judicial authorities. Consequently "stories which have been circulating in some newspapers in recent days about the judge and prosecutor of the case flying to Tehran to interview people whose names have been mentioned in AMIA case are incorrect and inaccurate."²⁸

In the same line of thought, Tehran Times makes it clear that "this agreement is strictly in line with the Iranian diplomatic position." And adds: "if the report shows - and we are sure it will- **a lack of evidence for the accusations against innocent persons, they should be compensated**, and by virtue of the MOU there is no need to question further these people because both countries have agreed that they will take into account the recommendations [of the commissioners] in their future actions."²⁹

The analysis states that: "The meeting will take place in Iranian territory, the law of Iran will prevail, and an Iranian judge shall preside over the meeting, but since the persons

have not been charged by the Iranian judge, he will not be permitted to question them. Finally, it is clear that our diplomacy has taken into account the rights of individuals while negotiating this MOU."

Finally the media stresses that: "According to Iranian law and the Iranian Constitution, Iranian nationals can only be summoned and questioned by a competent Iranian court based on firm evidence. By the same token, this MOU has created no obligation for the persons to attend this meeting, and they will have the right to decide to attend or not by their known free will."

In the aftermath of the approval in Argentina a **litmus test** of the deal's future development has already taken place when Iran **rejected the interrogation to its Minister of Defense Ahmad Vahidi** requested by the Argentine government. In fact, on January 30, the Argentine Foreign Minister Timerman had announced that Vahidi would be questioned by the Argentine judge in Tehran, as a part of the bilateral agreement.

The Foreign Affairs Ministry's spokesperson Ramin Mehmanparast, however, remarked that "The questioning of an Iranian official is totally false. It seems as those who are uncomfortable with this agreement taking place allow this kind of information to filter through."^{30 31}

Limited International Reaction

It is worrisome but understandable that the agreement between Argentina – Iran received **little international repercussion**, in comparison to other issues involving Iran, such as the IAEA's recent Board Report on Safeguards, or the P5+1 meeting in Kazakhstan. **But it is important to take into account that the three topics are strictly connected.**³²

As expectable, **Israel, United States**, and many **Jewish institutions** around the world expressed their concerns, while **Brazil** gave a prudent political statement about it, but very few opinions about the potential consequences were heard around the world.

The U.S. Department of State through its spokeswoman Victoria Nuland affirmed: "We are skeptical that such a just solution can be found in the arrangement announced. Iran's record of cooperation with international authorities is profoundly deficient, which underlines the concern that its

²⁵ M. Soroush, "Iran and Argentina deal a serious blow to Zionists," Tehran Times, February 23, 2013, <http://tehrantimes.com/opinion/105896-iran-and-argentina-deal-a-serious-blow-to-zionists?utm_source=twitterfeed&utm_medium=twitter>.

²⁶ Roya Boroumand "Iran-Argentina: A Curious Kind of Truth Commission," February 8, 2013, Huffington Post, <http://www.huffingtonpost.com/roya-boroumand/iran-argentina_b_2645417.html>.

²⁷ M. Soroush, "Iran and Argentina deal a serious blow to Zionists."

²⁸ Mohammad Hossein Mahdavi, "Iran – Argentina Agreement on AMIA," February 11, 2013, <<http://www.iranreview.org/content/Documents/Iran-Argentina-Agreement-on-AMIA.htm>>.

²⁹ Tehran Times, "Iran, Argentina, and truth diplomacy," February 4, 2013, <[http://www.tehrantimes.com/opinion/105380-iran-argentina-and->](http://www.tehrantimes.com/opinion/105380-iran-argentina-and-).

³⁰ Buenos Aires Herald, "AMIA: Argentina-Iran accord at risk," February 12, 2013 <<http://www.buenosairesherald.com/article/124021/amia-argentainiran-accord-at-risk->>.

³¹ La Nación, "Irán rechazó la indagatoria de su ministro de Defensa por la Justicia argentina [Iran rejected the interrogation of its Minister of Defense by the Argentine justice]," February 12, 2013, <<http://www.lanacion.com.ar/1554034-iran-niega-la-indagatoria-de-su-ministro-de-defensa-por-al-justicia-argentina->>.

³² Almaty, Kazakhshtan, February 27, 2013.

engagement on this matter be focused on achieving justice promptly.”³³

Israel’s Ministry of Foreign Affairs’ spokesperson Yigal Palmor pointed out: “We warned the Argentinians only a short while ago not to fall into the trap that the Iranians will set up for them.” Palmor added: “We are stunned by this news item and we will want to receive from the Argentine government a complete picture as to what was agreed upon because this entire affair affects Israel directly.”³⁴

Brazilian Minister of Foreign Affairs Antonio Patriota stated that: “Brazil has nothing against the MOU insofar as it helps to justice in peaceful, transparent, and diplomatic way.”³⁵

Reasons behind the Agreement

Defiant of international standards and involved in severe conflicts, the **Islamic Republic of Iran** seeks to find some relief with the implementation of the agreement. In fact, the potential drop of the Interpol Red Notices in the short term, and the ultimate closure of the AMIA case would remove from the Iranian government’s attention two uncomfortable, though not extremely relevant issues.

Far more significant **in terms of impact –present and future- the deal with Argentina turns out a key to strengthen Iran’s presence in Latin America and to access to Argentine technological capabilities**, within the environment of string international restrictions due to the sanctions scheme.

In addition, the deal is useful to Iran to showing itself as “reliable” for moderate democratic nations out of the United States’ circle of influence.

From the **Argentina’s** point of view, the motives behind the presidential acceptance of the Iranian proposal that ended in an agreement so lacking in consensus, are far more difficult to understand. Interests and ideology might be the main components of such decision.

³³ “U.S. Skeptical about Argentina-Iran “truth commission,” Reuters, January 31, 2013, <<http://www.reuters.com/article/2013/02/01/us-argentina-iran-usa-idUSBRE91006H20130201>>.

³⁴ Barak Ravid, “Israel shocked by Argentina-Iran pact over 1994 Jewish center bombing,” Haaretz, January 28, 2013. <<http://www.haaretz.com/jewish-world/jewish-world-news/israel-shocked-by-argentina-iran-pact-over-1994-jewish-center-bombing.premium-1.496750>>.

³⁵ Infobae, “Brasil respaldó el memorandum en la medida en que ayude a la justicia [Brazil supported the memorandum insofar as it helps to justice],” February 20, 2013, <<http://www.infobae.com/notas/697299-Brasil-respaldo-el-memorandum-en-la-medida-en-que-ayude-a-la-justicia.html>>.

Expansion of Bilateral Trade

The first hypothesis has to do with **the desire to sustain by all means the impressive growth of bilateral trade** as a way to balance the eroded Argentine economy.

Iran became in the latter years a very profitable customer for the South American nation in that international sanctions have been reducing the country’s buying options. Argentina would surely want to keep such a business model in place and even make it grow.

Diego Guelar, former Argentine ambassador to the US, pointed that there is a double standard in the bilateral relationship between both countries dictated by two “stories” openly contradictory.

On one hand, Argentina complains about the Iranian regime senior leaders’ involvement in the attack on Argentina on July 18, 1994 and questions Iran’s attitude regarding the implementation of a nuclear program suspected of having military purposes.

On the other hand, it maintains full diplomatic relations with Iran, with the result of a spectacular growth of bilateral trade. It evolved from the squalid U\$S 1.5 million in 2005 to U\$S 1.6 billion in 2010 s. In 2012 it was U\$S 1.1 billion only due to less availability of agricultural products.

Within such framework, the balance has been 95% favorable to Argentina. Guelar added that **Argentine suppliers earn extraordinary profits** thanks to sanctions on Iran applied by key global suppliers as European countries, the United States, and others.³⁶

Reinstatement of Nuclear Cooperation

The second hypothesis is related to the goal of **increasing Argentine nuclear exports**. The fact that both states have intermediate nuclear developments and a previous experience of common work, could spark in the Argentine government the ambition to expand its nuclear business platform, and in an isolated Iran the possibility to find a plausible partner.

It is known that Iran is actively seeking sellers of technological products in general, and of strategic items in particular outside the sanctions’ scheme. In recent years it had also made explicit its interest in buying [nuclear fuel] from Argentina.^{37 38}

³⁶ Diego Guelar, “¿Qué estamos negociando con Irán? [What are we negotiating with Iran?], Infobae, February 3, 2013, <<http://opinion.infobae.com/diego-guelar/2013/02/03/que-estamos-negociando-con-iran/>>.

³⁷ Kaveh L Afrasiabi, “Iran looks to Argentina for nuclear fuel,” Asian Times, November 6, 2009, <http://www.atimes.com/atimes/Middle_East/KK06Ak02.html>.

³⁸ Ileana Ros-Lehtinen, Connie Mack and David Rivera, Members of the U.S. Congress, mail correspondence with Hillary Rodham Clinton, July 8, 2011. <http://www.foreignpolicy.com/files/fp_uploaded_documents/110810_Sec%20Clinton%20Letter%20Re%20Iran%20Venezuela%20and%20Argentina.pdf>.

Nuclear matters had been present in the bilateral relation before the Buenos Aires bombing and could come back to the headlines in many ways.

According to Tehran Times: “The AMIA incident occurred a few years after Iran and Argentina had reached an agreement on nuclear cooperation in the 1980s, according to which Buenos Aires would help Iran develop its peaceful nuclear program. Although Israel did its utmost to scupper the deal at that time, it was still worried about backroom agreements. But then the AMIA bombing seriously damaged relations between both countries, and the nuclear cooperation deal and other joint plans were suspended.”^{39 40}

Argentina’s nuclear exports had been relevant during the Islamic Republic and it could happen again. In fact there is a history of common work with Iran, though nuclear cooperation diminished and finally came to an end during the administration of former President Carlos Menem.

Iran failed to accomplish its obligations derived from the NPT but the state is perceived by part of the nuclear establishment and government officials in developing countries as excessively threatened by Western Powers. Thus, Iranian troubles with IAEA, the UNCS, and the international community are seen as unfair, and mainly a punishment to the nation because of its ambition to be an independent nuclear development, rather than because it is failing to accomplish its nonproliferation commitments.

The Venezuelan Missile Connection

A hypothesis about a **tripartite missile deal with intervention of Venezuela** has been also raised. In recent declarations, a senator from the opposition, Liliana Negre de Alonso related the MOU with the current development of the Argentine missile Gradicom III, seen as a successor of Condor II, and with the relationship of its Argentine manufacturer Fabricaciones Militares - FM with the Venezuelan Compañía Anónima Venezolana de Industrias Militares – CAVIM.

³⁹ M. Soroush, “Iran and Argentina deal a serious blow to Zionists.”

⁴⁰ Paulo Botta, “La Cooperación Argentina-Irán en el ámbito nuclear 1986-1997 [Argentina-Iran Nuclear Cooperation 1986-1997], Cuadernos Política Exterior Argentina Nr. 101, CERIR, Rosario, July-September 2010, <http://www.cerir.com.ar/admin/_cerir/archivos/cuadernos/0000116/cupea%20101.pdf>. On May 5, 1987, the Argentine Company INVAP and the AEOI closed a commercial contract (for US\$ 5.5 million with the purpose of converting the Tehran Research Reactor from HEU 93% to LEU 19.75%. Argentina also committed to supply the LEU fuel, 115.8 kg, and other mechanisms for the reactor, technical assistance, and training. Given the lack of capability to produce such fuel in the country, Argentina would send its natural uranium to be enriched in Europe. The LEU would come back to Argentina where the fuel elements would be manufactured and then exported to Iran. In 1988 a contract between both states and the IAEA was signed and the conversion process successfully ended in 1993. Two other contracts involving technology transfer were signed in 1988, and after many difficulties definitely suspended in 1992 what brought about a lawsuit and an extrajudicial arrangement in which Argentina had to pay Iran a significant compensation in 1997.

It is important to take into account that the Venezuelan company has been recently tagged by the U.S. Department of State under suspicion of operations with Tehran related to missile technology. Last September, CAVIM representatives signed with Argentina **agreements of technology transfer related to missile fuel fabrication**, a matter where Argentina has significant technological advances. According to La Nación, the Argentine government would be even considering the conversion of the state-owned Fabricaciones Militares into a company with participation of external investors, and CAVIM would be first in line to participate.^{41 42}

Wish for Regional Leadership

The Islamic Republic presence in the region has been facilitated by its close relation with a group of like-minded states, the so-called “Bolivarian” ones: Venezuela, Ecuador, Bolivia, Cuba, Nicaragua and, in less measure Brazil and Argentina.

The Argentina’s close relationship with such states and in particular, with Venezuela brings an explanation to the government’s political decision.

In fact, many analysts saw behind the deal the President Fernandez de Kirchner’s **wish to succeed Venezuelan President Hugo Chavez, as the leader of “Bolivarian states”** and it would necessarily require removing obstacles in the relations with Iran.⁴³

The Tehran’s propaganda celebrated the new Argentina positioning in the following terms: “After many decades, Argentina has decided to liberate the country from U.S. and Israeli influence. In other words, Buenos Aires has finally realized that its alignment with the stances of the Zionist and imperialist forces created no advantage for the country over the years and even ruined its relations with many sovereign countries.”

The final outcome on this point is, however, uncertain after the death of President Chavez, who was a strong influential presence in the Fernandez de Kirchner administration as coach, friend and political/ economical partner.⁴⁴

⁴¹ Diario Perfil, “Memorándum con Irán, con sanción del Senado [Memorandum with Iran, approved by the Senate],” February 21, 2013, <http://www.perfil.com/contenidos/2013/02/21/noticia_0023.html>.

⁴² Daniel Gallo, “El proyecto de un misil liga al país con Irán [A missile project ties the country with Iran],” La Nación, Buenos Aires, February 17, 2013, <<http://www.lanacion.com.ar/1555490-el-proyecto-de-un-misil-liga-al-pais-con-iran>>.

⁴³ At the date of this release, March 5, 2013, the Venezuelan Government declared the death of President Chavez.

⁴⁴ M. Soroush, “Iran and Argentina deal a serious blow to Zionists.”

Honorable End of a Shameful Case?

There are also two less likely reasons for the deal: one is the wish of the current Argentine government to give an honorable end to 19 years of failures in judicial procedures.

The second assumes that the MOU and its treatment could distract the Argentine public opinion from the current political, economical and social difficulties that affect the country.

However, both arguments seem weak, in terms of their current opportunity and political cost.

The Brazilian Experience

The pact with Argentina is not the first big **successful move by the Iranian diplomacy** involving a Latin American country. The most remarkable precedent of global reach is the signature in May 2010 of a nuclear tripartite statement by **Brazil, Iran, and Turkey** known as **Tehran Declaration**.

The matter of the declaration was a swap of Iranian low-enriched uranium for 19.75% enriched fuel to be employed in the Tehran Research Reactor. Beyond the specific details of the fuel swap, the agreement explicitly **recognized the Iranian “right to enrich uranium.”**

Apart from other technical issues of concern, the statement sounded misleading because of the multiple UNSC sanctions on Iran in place. In fact, successive sanctions exhorted Iran to halt its enrichment activities after the Islamic Republic recurring non compliance with its safeguards commitments under the NPT.^{45 46}

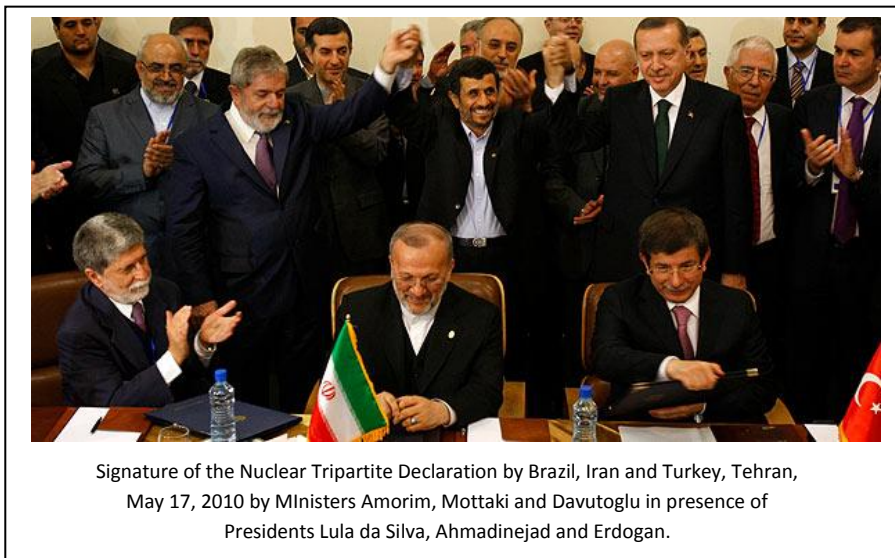
⁴⁵ Irma Arguello, “The Brazil-Turkey-Iran agreement was received with skepticism,” May 18, 2010, <<http://npsglobal.org/eng/news/25-international-security/942-brazil-turkey-iran-agreement-received-skepticism.html>>. Article 1 states: “We reaffirm our commitment to the Treaty on the Non-Proliferation of Nuclear Weapons and in accordance with the related articles of the NPT, recall the right of all State Parties, including the Islamic Republic of Iran, to develop research, production and use of nuclear energy (as well as nuclear fuel cycle including enrichment activities) for peaceful purposes without discrimination.”

⁴⁶ On the other hand UNSCR 1626 (2006) and 1737 (2006) , 1747 (2007), 1803 (2008), 1835 (2008) and 1929 (2010) call Iran to halt its enrichment activities, <<http://www.armscontrol.org/factsheets/Security-Council-Resolutions-on-Iran>>.

The **Tehran Declaration was never accepted by the P5** and right after its signature the UNSC passed additional sanctions through the UNSCR 1929 (2010). Such Resolution was approved but with the negative vote of Brazil and Turkey, and the abstention of Lebanon, members at that time of the UN Security Council.⁴⁷

In the case of the Tehran Declaration, it is supposed that the wish of former President Lula da Silva to leave an historical legacy at the end of his mandate, the known Brazilian ambition to become a global leader as well as practical bilateral business interests were the reasons that powered the Brazilian participation.

It is clear however, that the issues involved were different in essence from those negotiated in the Argentina – Iran deal.



In fact, Tehran agreement implied a Brazilian projection to the world while the MOU implies for Argentina opening the door to a foreign influence in national affairs.

Such factors make the Argentine agreement far more complex and potentially harmful for the nation than the Brazilian predecessor for the neighbor state.

Adverse Security Consequences

Beside of local impacts, it is possible to anticipate **three core adverse security consequences** of regional and global reach:

a. At Latin American level, the **voluntary alignment of certain governments with Iran** results in an undesired “self-generated” increase of danger in the region, as it creates a **regional theater for an imported international conflict** involving the Islamic Republic.⁴⁸

The **Countering Iran in the Western Hemisphere Act of 2012**, signed by the President of the US on December 28,

⁴⁷ UNSC, “Security Council Imposes Additional Sanctions on Iran, voting 12 in favour to 2 against, with 1 abstention, Brazil, Turkey, Lebanon say Tehran Declaration could boost diplomatic efforts, while sanctions represent failure of diplomacy,” June 9, 2010, <<http://www.un.org/News/Press/docs/2010/sc9948.doc.htm>>.

⁴⁸ Dante Caputo, “Yankees come home”, Diario Perfil, February 24, 2013. <http://www.perfil.com/ediciones/2013/2/edicion_757/contenidos/noticia_0069.html>.

2012 is clear to assess such dangers and to put the US security system to work on them.⁴⁹

The bill specifically warns about the Iranian actions to pursue cooperation with Latin American countries by “signing economic and security agreements in order to create a **network of diplomatic and economic relationships to lessen the blow of international sanctions and oppose Western attempts to constrict its ambitions.**” It also states as a fact the **Iranian sponsorship to Hezbollah.** The Act also **confirms the view of Argentine justice concerning Iranian responsibilities in the AMIA attack:** “...the [Iranian] IRGC and its Qods Force played a significant role in some of the deadliest terrorist attacks of the past two decades, including the 1994 attack on the AMIA Jewish Community Center in Buenos Aires, by generally directing or supporting the groups that actually executed the attacks.”

Hezbollah and the Iranian Intelligence’s actions in the Tri-Border area are also highlighted, as well as Iran’s like-minded countries identified: “Iran has dramatically increased its diplomatic missions to Venezuela, Bolivia, Nicaragua, Ecuador, Argentina, and Brazil. Iran has built 17 cultural centers in Latin America, and it currently maintains 11 embassies, up from 6 in 2005.”

The document also states that Bolivia, Cuba, Ecuador, Nicaragua, and Venezuela expressed their intention to assist Iran in evading sanctions and to continue and expand their economic ties to Iran and it alerts about the links between terrorism and narcotics trafficking.

Support and funding of social organizations throughout Latin America with an affinity of ideas and goals is not new for the Argentine Judicial bodies.

According to the Federal Judge Rafecas, through the Embassy in Buenos Aires Iran funds many groups in Argentina close to the government and such people are used to speak in favor of Iran.⁵⁰

⁴⁹ H.R. 378 (112th): Countering Iran in the Western Hemisphere Act of 2012 <<http://www.govtrack.us/congress/bills/112/hr3783>>.

⁵⁰ “Rafecas: Irán financia a agrupaciones sociales, y D’Elía no es ajeno,” Diario Perfil, March 31, 2011, <http://www.perfil.com/contenidos/2011/03/31/noticia_0003.html>.

b. The second point of great concern is that the **validation through impunity of terrorist attacks might lead to more attacks, and moreover, to open the door to the use of nuclear/ radioactive/ chemical/ biological materials, and other innovative forms of terrorism.** In this sense, Argentina is sending a perturbing “green light” to regimes that sponsor terrorism. It could be summarized as: “To carry out attacks on states with low institutional quality, irrespective whom they are directed at, has in the end, little or no consequences for perpetrators.” This message may encourage attacks to third parties’ targets worldwide occurring in states with low institutionalism and weak judiciary systems.

c. The **success in the international negotiation of regimes with low respect for human rights, especially in human rights-related disputes, encourages further violation of human rights,** of other nations’ rights, and the expansion of unfair practices and terrorism.

Effects in Argentina

It is clear that if consolidates, the brand-new political alignment with Iran will likely lead to **negative consequences for Argentina’s international positioning and prestige.**

Aside from the external front, this move could speed up the erosion of the nation’s institutions.

Even though some short term economic achievements derived from the deal could be likely accredited, it is anticipated that such achievements may be surpassed by social division, as well as the sense of impunity and of lack of defense of the average citizen.

Mistrust about the institutions of the state, and disappointment about the progressive

destruction of social values may be other negative side effects.

On the positive hand, the process and its outcomes could spark political changes in the country based on new alternatives to revert social dissatisfaction.

The Election of an Argentine Pope

The unexpected election of the **Argentine Cardinal Jorge Mario Bergoglio, Archbishop of Buenos Aires, as Pope Francis,** the first non-European pope in the history, has led to a positive effect on the case.



Claims of justice and truth for AMIA victims have been frequent in Buenos Aires during the last 19 years.

The arrival of Bergoglio, a well-known righteous man with a longstanding critic attitude toward successive Kirchners' administrations, triggered significant changes in the government's behavior.

The selection of an Argentine Pope was received with severe disappointment by the government and its followers. But later such posture shifted to an explicit support, likely for electoral purposes, when the ruling group perceived the enthusiastic reaction in the huge majority of the Argentine society.^{51 52}

Pope Francis has already given clear gestures about his political position: he met the Argentine President, but he also met prominent members of the Jew national community who had made an energetic campaign against the Argentina-Iran agreement.

Two recent signs speak of a progressive political shift in the Argentine government. The first was the vote against Iran in the UN Human Rights' Council, apart from Venezuela that voted in favor and from Ecuador that abstained.⁵³

The second sign was the controversy between both Ministers of Foreign Affairs concerning the effects of the MOU on the capture of the Iranian accused, once Interpol confirmed the Red Notices for the original individuals. As expected, Salehi requested the immediate drop of the Red Notices while Timerman welcomed that the notices were still in place.⁵⁴

It is anticipated that **Pope Francis, as a planetary leader, directly or indirectly will become a positive influence on the Argentine authorities** to prevent them from making new decisions which could worsen the damage for the nation in both fronts, internal and external.

Final Thoughts

Rather than limited to the direct involved actors: Argentina, Iran, perpetrators, victims, and the Jewish community, the **Argentina-Iran deal related to the AMIA bombing should be seen as a security issue of global concern.**

The situation entails security risks that should be understood and addressed by countries that work for peace, human rights, nonproliferation, and prevention of transnational terrorism.

⁵¹ It is known that the Argentine Government covertly operated in the Vatican to avoid Bergoglio's election.

⁵² In the last years, Cardinal Bergoglio made 14 meeting requests with the President Fernández de Kirchner, and he was never received.

⁵³ "Human rights Council extends mandates on Syria, Iran and freedom of religion or belief," press release, United Nations, March 22, 2013. <<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=13179&LangID=E>>.

⁵⁴ Martín Dinatale, "AMIA: fuertes diferencias del gobierno con Irán por la captura de los acusados," Diario La Nación, March 22, 2013, <<http://www.lanacion.com.ar/1565755-amia-fuertes-diferencias-del-gobierno-con-iran-por-la-captura-de-los-acusados>>.

Among such risks, one of the most severe is that **the impunity of terrorism** might encourage further attacks, of different scales and even with non conventional tools.

Another risk that must be prevented is related to the **utilization of Latin American countries, in any way, by any state with proliferation ambitions**. Therefore, sensitive trading from Latin American countries to Iran, outside the framework of sanctions, directly or indirectly through international networks, should be avoided by all means.

To give the deal for AMIA bombing an international dimension does not imply ignoring the responsibilities of Argentina's bodies (political, diplomatic, and judicial) after 19 years of failure in the investigation. However, it would have been more transparent and less risky to seek to unlock the judicial process within the framework of Argentine institutions.

A final point to take into account: there is still much to be done to reduce overall risks and to prevent states being functional to inner and outer interests related to proliferation and terrorism.

To enhance the international nonproliferation system as a whole, **schemes of sanctions should be complemented with schemes of incentives** for states with special needs or deficits to help them remain positive contributors to global security.

About the NPSGlobal Foundation

The Nonproliferation for Global Security Foundation is a private and non-profit initiative based in Buenos Aires, working on building bridges toward a more secure world.

Main institutional programs cover communication, education, expansion of knowledge, and assistance to governments, multilateral organizations and civil society. They are developed with the aim to support quality policy and decision-making on disarmament, nonproliferation and international security.

NPSGlobal sees the enhancement of global security as a joint undertaking of governments, organizations and individuals around the world, and promotes knowledge and understanding as the necessary prior steps for wise decision-making.

The Foundation's action can be followed through our multilingual website: www.npsglobal.org as well as through our Twitter account: @npsglobal, and our Facebook page: www.facebook.com/npsglobal.

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