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Argentina Reviews a Clumsy Case by Its Spies

By LARRY ROHTER

BUENOS AIRES, July 9 — First came the armed forces, then the police. Now it is the turn of Argentina's state intelligence apparatus to squirm under the scrutiny of President Néstor Kirchner, who has begun investigating how the government spy agency mishandled the investigation of the deadly bombing of a Jewish community center here nine years ago.

Mr. Kirchner, who took office on May 25, has signed an executive order that requires a former chief of the agency, known by its Spanish acronym, SIDE, and 13 other agents to testify at the criminal trial of Argentine police officers accused of involvement in the terrorist attack. He has also ordered an audit of the agency's books to see if payoffs were made to witnesses or defendants to shift responsibility in the botched official investigation.

"For the first time ever, we are seeing a political will to resolve this case," Abraham E. Kaul, president of the Argentine Jewish Mutual Aid Association, said in an interview here. "The SIDE has always been an independent force, accountable to no one, but with these decrees, Kirchner is forcing them to render accounts, and that is an important step."

The July 18, 1994, attack on the community center of the Jewish group, known as AMIA, killed 85 people and wounded more than 200 when a car bomb exploded outside the building. It remains the most deadly anti-Semitic incident anywhere since World War II and came two years after 29 people died in a similar attack on the Israeli Embassy here.

Carlos Saúl Menem, who was president at the time of both attacks, initially blamed Iran for the bombing of the community center. But he later backed away from that position and, during the official investigation after the attack, crucial evidence was lost or destroyed or simply disappeared, including material from the bomb site, tapes of telephone calls and address books of suspects.

Last March, an investigative judge here issued arrest warrants for four senior Iranian officials who he said helped to organize and carry out the attack. The highest ranking of those is Ali Fallahijan, a former minister of security and intelligence, but the indictment also named Mohsen Rabbani, an attaché at the Iranian Embassy here in the mid-1990's, as the coordinator of the attack.

As a result of Mr. Kirchner's order, lawyers on all sides of the case have already obtained access to a summary of an internal investigation that SIDE conducted in the late 1990's of its own conduct. That document "is important not so much for what it says, but rather for what wasn't investigated" in the way of promising leads and clues, said Pablo Jacoby, a

lawyer who represents Memoria Activa, an association of families of victims of the attack.

But "the juiciest material will undoubtedly come when the agents have to sit down and testify," predicted Sergio Widder, the South American representative of the Simon Wiesenthal Center. Among the issues on which they can shed light, he said, are "Did SIDE know of the bombing in advance and let it happen? Or did they completely ignore warnings? Was there an Iranian sleeper cell?"

That testimony could come as early as August or September, said people involved in the case, in closed sessions of the trial. Mr. Kirchner's decree making the spy officials available, which reversed a decision made by Mr. Menem, prohibits the officials from being questioned about foreign intelligence agencies but allows them to testify about "foreign individuals."

Mr. Kirchner has put one of his most trusted associates, Sergio Acevedo, at the head of SIDE and has met twice with Jewish community groups to discuss the case. The intelligence agency has repeatedly been accused in news reports and books of bribing and spying on domestic news organizations and political leaders during Mr. Menem's decade in office, which ended in 1999.

Pressure on the intelligence agency has also increased as a result of leaks to the news media. According to a report last month in the daily Clarín, which was based on confidential government documents, Argentina's embassy in Lebanon warned of an attack more than a month before the bombing, citing declarations by a senior Hezbollah cleric there.

Efforts are also being made to persuade the mysterious Iranian informant known as Witness C to testify in the case. A former Iranian intelligence official whose real name is Abdolghassem Mesbahi, Witness C gave three depositions to Argentine investigators from 1998 to 2002.

In a deposition in Mexico in 2000, Mr. Mesbahi said Iran had deposited \$10 million in a Swiss bank account controlled by Mr. Menem to guarantee that Iran's involvement in the bombing would not emerge. Mr. Menem has denied that accusation. Miguel Angel Toma, an associate of Mr. Menem who led SIDE until May 25, said last year that Mr. Mesbahi had disavowed the charge, blaming a faulty translation for the confusion.

But Mr. Kaul said there were still "serious doubts that the letter that Witness C signed is false." Lawyers for victims of the bombing did not have access to Mr. Mesbahi, Mr. Kaul noted, and the deposition in which Mr. Mesbahi is said to have renounced his earlier remarks "preceded an election in Argentina" in which Mr. Menem was a candidate.

People involved in the case said Mr. Mesbahi agreed to come to Argentina to testify only if he received a guarantee of immunity from criminal charges. Because that does not exist

under Argentine law, the focus has shifted to allowing him to make declarations by teleconference.

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