Investigations Unit of the
Office of the Attorney
General

Marcelo Martinez Burgos
District attorney

Alberto Nisman
Attorney general

Office of criminal investigations
AMIA CASE

REPORT; REQUEST FOR ARRESTS

Your Honor:

ALBERTO NISMAN and MARCELO MARTÍNEZ BURGOS,

district attorneys in charge of the *Unidad Fiscal de Investigación del atentado a la AMIA* [District attorney's unit in charge of the investigation of the AMIA attack] in case no. 8566 of the register of *Juzgado Nacional en lo Criminal and Correccional Federal n° 6* of Buenos Aires, Secretaría 11 - Anexo |AMIA. Case name: "Coppe, Juan Carlos y otros s/asociación ilícita, homicidio, lesiones, daños y otros". The investigation involves the attack against AMIA on 18 July 1994, in regard to which we hereby present the following report:

I. INTRODUCTION

a) Subject matter and relevance of the report

Pursuant to the decree (p. 115.336/115.3411)[1] issued 8 February 2005, the judge in the case His Honor Rodolfo Canicoba Corral, assigned to the present authors the case mentioned above. The assignment was to investigate the 18 July 1994 bombing of the building at calle Pasteur n° 633 in Buenos Aires. This building housed the offices of, among other organizations, the Asociación

[1] In the present report, unless otherwise indicated, page references (p.) indicate material from the main body of the proceedings.

Mutual Israelita Argentina (hereinafter referred to as AMIA) and the Delegación de Asociaciones Israelitas Argentinas (hereinafter referred to as DALA). The attack caused the death of 85 persons, injuries of varying severity to at least 151 persons, and substantial damage.

In the interest of providing an approximate idea of the scope and progress of the case as at the date of submission of the present report by order of the Court, we would like to point out that insofar as the main body of the proceedings is concerned, the investigation generated 113,600 pages of documentation distributed in 568 files containing 200 pages of documents each, in addition to 499 investigation files in various stages of completion concerning other areas of the inquiry that emerged during the investigation, and a large amount of attached documentation that has been incorporated into the case over the years and that includes items such as approximately 1000 packages containing seven or eight files each comprising transcriptions of phone calls, and approximately 1500 folders containing information gathered by the then Federal Secretariat of Intelligence (now the Secretariat of Intelligence of the Executive Branch), which by order of the president of Argentina, were declassified and made available to the present authors.

Hence the initial phases of our activities involved not only classifying this mountain of material adequately, but also systematically familiarizing ourselves with all of the information contained therein, insofar as possible, including the files that were archived at the time we were assigned the task of compiling the present report. This was done because we felt that there was no other way to obtain a reasonably precise picture of the current status of the case, and on this basis, define the way forward such that the investigation will be conducted in a serious manner.

Needless to say, this task took a number of months, at the conclusion of which and in keeping with the plan that had originally been laid out, it was possible to purge the case of all lines of

investigation that were clearly dead-ends in terms of getting to the bottom of the events in question. This measure allowed for more efficient and productive use of the available resources, and has enabled us to focus on pursuing certain lines of investigation that had been cut short for one reason or another.

Toward this end, particular emphasis was placed on the major issues that have arisen during the investigation of the attack, mainly in connection with the following: characterization of the vehicle chassis that originally accommodated the engine that was found in the wreckage of the AMIA building; obtaining information concerning the driver of the car bomb that was used for the attack and his connections with the so called Triple Border area; the provenance of the explosives; the possible financing channels for the attack, which would in turn enable us to identify the perpetrators of and participants in the attack, including identification of local residents that might have lent their support to the attack in one way or another.

In view of the publicity that has surrounded the serious irregularities that were committed by judicial officials, politicians and private individuals in handling and dealing with this case, plus the unusually lengthy period of time that has elapsed since an attack which is particularly difficult to investigate (this is true of all terrorist attacks owing to the unusual modus operandi of their perpetrators), we do not feel that we need to say a great deal concerning the problems that have plagued and continue to plague the present investigation. However, despite the fact that the highest levels of the executive branch and the attorney general have spared no effort in providing us with the technical tools and human resources needed to undertake our task with all due professionalism, unfortunately there have been times when the classic investigatory methods were inadequate when it came to attempting to address the various issues in this investigation.

To take only one of many examples of this: recently the managers of a certain bank notified us that it was not possible to provide us with the documentation that we had requested owing to the fact that, as provided by law, such documentation is automatically and in every instance destroyed after a certain amount of time has elapsed – in this case ten years (p. 2.740/2.741, 2.744, 2.787 and 2.907/2.908 of Mohsen Rabbani's assets file, case 1627).

This type of problem has also arisen with greater frequency than is desirable in connection with phone call records, which are a source of information that is particularly sensitive in a case of this nature. The approach we have taken to this case since it was assigned to our unit necessitated an expansion of the databases that were originally required of the phone companies, which have had to repeatedly recover and reconstruct the relevant archives; a process that has involved contending with the understandable problems generated by the advances that have occurred in information technology over the more than 12 years since the information was originally generated. The main processes in this regard were plagued with a labor intensive series of comments, files, documents and new comments pertaining to these difficulties, as well as others of a strictly technical nature. Efforts were continously made to surmount these problems by our office as well as various other entities whose assistance was enlisted (see p. 115.948/115.950, 116.941/116.942, 118.835, 120.844 (and reverse), 120.851/120.965, 121.383/121.385).

On the other hand, it is well known that at the time of the AMIA attack, the Argentine immigration control system suffered from serious deficiencies. This system was operated by the *Dirección Nacional de Migraciones*, although it should be said that this is yet another sensitive area in the

investigation of an act that was classified early on as an act of international terrorism. Until 1996, all immigration information was recorded manually on the basis of 210 separate work steps.

In any case, and above and beyond the examples we have cited above, what we are trying to say here in black and white is that the investigation of the AMIA attack has been confronted with a large and burdensome series of problems, and that it is therefore only logical that these problems are not only reflected in the current investigation of the attack, but will continue to have an adverse effect on future investigations.

The paradoxical and irritating fact that many of these problems are attributable to the irregularities committed by the officials that were supposed to be getting to the bottom of the case makes the current problematic situation all the more regrettable; although it must be said that acknowledging it will unfortunately do nothing to mitigate the aforementioned effects. Moreover, irrespective of the responsibility of any of the aforementioned officials for their actions in these matter, we feel strongly that an honest and straightforward acknowledgement of the actual status of the current situation is not only relevant to an assessment of the report we are submitting, but also represents the fulfillment of a moral obligation toward all those individuals who were directly affected by the attack and on whose behalf Argentine society is still seeking justice.

As a counterweight to this acknowledgement of the problems with the investigation, it is only fair to also point out that our unit has carried out its work – and continues to carry it out – with the sole and unwavering aim of completely solving the case and surmounting the various problems it has presented us with on a daily basis. This has been exactly the mindset that has motivated us to pursue various lines of inquiry which, as previously stated, were at mid-course when we took over the investigation, and to reactivate other lines of inquiry that had been abandoned. It is perhaps

thanks to this approach that we are in a position to report that after more than 18 months of work, we have obtained highly positive results for many key aspects of the investigation.

We would also like to point out in this regard the highly relevant fact that we have made clear progress in terms of obtaining information concerning the person that the Secretaría de Inteligencia del Estado (Secretariat of Intelligence)[2] rightly indicated was the suspected suicide driver of the vehicle that was used as a car bomb. From our standpoint, and notwithstanding any ongoing investigations concerning this aspect of the event, identification of the Lebanese national Ibrahim Hussein Berro as the actual perpetrator of the attack has made a huge difference to the investigation, not only because it has helped shed light on one of the major unknowns in the case, but also because determining that Berro was an active member of Lebanese Hezbollah has made it easier for us to determine that the attack originated with the highest authorities in the Iranian government during the period leading up to the AMIA attack.

The present report addresses this and other relevant issues.

There are other reasons in addition to the circumstances outlined above that make this an opportune moment for submission of the present report.

Indeed – and irrespective of the major advances that have been made in the case – a number of national and international events have occurred that have had an unavoidable impact on defining the requisite orientation of the investigation.

[2] Translator's note: hereinafter referred to as the Secretariat of Intelligence. For a useful summary of its main functions, see http://www.answers.com/topic/secretaría-de-inteligencia

The first of these events has to do with the dismissal of Judge Galeano, who until 3 December 2003 (at which time the *Cámara Nacional en lo Criminal y Correccional Federal* of Buenos Aires removed the judge from the case, having upheld the accusations of bias that were made by one of the parties in the proceeding) had been the judge in the case. It should be borne in mind that this measure was part of a large scale procedure realized by the *Consejo de la Magistratura del Poder Judicial de la Nación* [national judicial council] and, as is well known from the public record, resulted from a number of serious irregularities committed by the judge, the most notorious of which involved an illegal payment to a defendant in the case with a view to getting him to appear in court for a preliminary interrogatory concerning the case. These circumstances prompted the *Jury de Enjuiciamiento* [grand jury/indictment panel] to find that Judge Galeano should be dismissed from his position on the grounds of "misconduct"

(see the ruling in case no. 14 in the register of the aforementioned court (*Doctor Juan José Galeano s/pedido de enjuiciamiento*)).

The second event – which, as we shall see, is directly related to the first – has to do with the national and international requests for capture issued by Judge Galeano concerning the group of Iranian citizens suspected of having been involved in the AMIA attack (pursuant to the following rulings: 9 August 1994, p. 2.306/2.372, 5 March 2003, p. 106.265/106.468 and 13 August 2003, p. 110.469/110.481). One of the persons whose capture was sought by Judge Galeano was Hadi Soleimanpour, who was Iran's ambassador to Argentina from June 1991 to August 1994.

This led to Mr. Soleimanpour's capture in August 2003 in Durham, England, thus setting in motion the legal procedure aimed at obtaining his extradition to Argentina (*Incidente de Extradición de Hadi Soleimanpour*, p. 66 ff). However, this extradition never came to pass. According to a note

dated 12 November 2003 that was submitted to the Argentine embassy in London by an official of the extradition section of the British Ministry of the Interior, the secretary of state in charge of the case had decided "not to issue an order to proceed against Hadi Soleimanpour, and therefore cancel the request for capture on the grounds that "the voluminous material pertaining to the extradition request formulated by Argentina fails to meet 'prima facie' the evidentiary criteria that are required by the UK" (see note on p. 916 and the translation of the document cited on p. 927/929).

A bit further on in this same document, the official raises the possibility that Argentina could submit a new extradition request at a later time, but adds that "the new request would have to surmount the evidentiary difficulties that have occurred on this occasion" (from the note cited above).

It is perhaps useful at this point to digress for a moment in order to point out that the extradition treaty between Argentina and Britain, which dates back to 1889 (it was amended in 1980, but the changes are not relevant to the present case) allows British authorities to analyze the executability of the request from the standpoint of its formal aspects as well as with regard to the evidence underlying the request (i.e. the evidence that supports the accusations against the person whose extradition is being sought); and that it was this latter aspect that the British authorities indicated was "the determining factor for granting [but in this case denying] the request" (cable sent to the Argentine embassy in the UK, p. 1.042/1.047 of the file referred to above).

The remaining requests for capture that Judge Galeano rightly issued in the case did not meet with a much better fate. The validity status of the remaining requests (with the exception of the request concerning Imad Moughnieh in whose regard requests for capture had previously been issued by U.S. authorities and the Argentine supreme court) was modified by Interpol (whose responsibility it

was to capture the individuals in question) from that of temporary suspension (p. 115.125) to definitive cancellation. This latter decision was made on the basis of a proposal that was adopted unanimously by Interpol's executive committee during their general assembly that was held in Berlin last September (p. 119.152/119.174). Of the 115 representatives attending the session, 91 voted in favor of the committee's recommendation, 9 voted against it, and there were 15 abstentions.

It should be mentioned in this regard that throughout this process, the insistence on the part of the Interpol Central National Office in Teheran played a major role in getting the secretary general of Interpol to cancel the red alert for the two Iranian men whose arrests were sought. In fact, the aforementioned Interpol office may have raised questions that exceeded the scope of their mere duty to evaluate information[3] pursuant to the statutes of Interpol, an issue that was addressed extensively by the Court[4] in its ruling of 28 October 2004 (p. 115.169/115.171).

In addition to what has been stated thus far, and as the Court knows, the main grounds given by Interpol for both the temporary suspension and the definitive discontinuation of efforts to apprehend the suspects related to irregularities committed by Judge Galeano in handling the case. In the case of the suspension – which transitioned to a virtual discontinuation as from October 20, 2004 – the *Oficina de Asuntos Jurídicos* (Office of legal affairs) notification regarding the decision dated October 3, 2004 referred to the sentence handed down by a Buenos Aires criminal court (*Tribunal Oral en lo Criminal Federal no. 3*, file no. 437/00 in the court register, *Telleldín, Carlos Alberto and otros s/homicidio calificado...(attentado a la AMIA*)

[3] Translator's note: duty...information is a surmise only. The relevant Spanish phrase (explotaci▫n de las difusiones) is unclear.
[4] Translator's note: In the present document, Court in upper case refers to the Argentine court in the case, i.e. the court to which the present document was submitted.

[Telleldin, Alberto Carlos and other alleged homicides (...) attack on AMIA]), which found these persons guilty of having comprised the so called "local connection" for the attack.

This notification not only emphasizes the innocence of the 22 suspects that have been the subjects of a criminal investigation, but also quotes verbatim a passage from the press release issued by the aforementioned criminal court regarding the ruling on the case on September 2 of last year, particularly in stating that (a) "the evidence presented in court constituted a serious violation of the rules of due process and legal defense, indicating the judge's lack of impartiality;" and (b) "a number of irregularities committed by the judge show that his actions were aimed at 'constructing' an incriminatory hypothesis in an attempt to meet the expectations of public opinion and at the same time cater to the sinister interests of unscrupulous political leaders" (p. 115.126/115.128).

It was of little use to insist on the validity of the writs issued by the court on the basis of two main arguments: (1) the fact that the invalidity declared by the *Tribunal Oral en lo Criminal Federal No. 3* had to do with a part of the investigation that was different from the one within whose framework the international requests for capture were issued; and (2) the lack of competency of a purely administrative body (which is what Interpol surely is) to call into question and ultimately invalidate a court order (see p. 115.169/115.171 and report on p. 115.304/115.309).

Irrespective of the validity of these arguments and of the repeated official complaints lodged in this regard, there can be little doubt that what was uppermost in the minds of Interpol officials in making their decision were not legal considerations, but rather the distrust aroused by Judge Galeano's dubious track record in the case, which ended up affecting all aspects of the trial itself. In other words, Interpol's reasoning was more or less along the lines of the following: Having taken

cognizance of the fact that Judge Galeano committed irregularities in handling the case, Interpol reached the conclusion that all of the judge's rulings must be equally aberrant. In addition, in recommending that the red alert be cancelled for the AMIA attack suspects, the Interpol Executive Committee made the following very clear statement: "The Executive Committee has in particular taken note of that fact that the requests for capture were signed by a judge whose actions in the case were declared irregular by the competent Argentinean authorities."

We repeat: Despite the fallacy of this reasoning from a legal standpoint, the real and concrete result of Interpol's decision to terminate the search for the suspects (a measure for which the jargon term is "cancellation of red alerts") is practically tantamount to declaring the suspects' capture non-enforceable. For in the final analysis, what is the point of relying on the certainty of the legal validity of the requests for capture if, when all is said and done, the administrative body that is supposed to execute these orders refuses to do so? The Court's decision thus turns out to constitute a kind of abstract gesture – a mere formality lacking the teeth that only action on the part of Interpol could give it.

Having tacitly taken on board this virtual stalemate, the Interpol Directorate has now ventured to suggest, via their head of legal affairs, that "only new requests for capture signed by a different judge and based on a reexamination of the evidence underlying the accusations would justify reinstatement of the red alerts." (p. 119.785).

Until such time as this occurs, the "discontinuation of search" for the 12 Iranian suspects promulgated by the Interpol secretary general remains in force (p. 118.958).

Thus we have now described, in general terms, the reasons for realization of the present report. The main goal was to set forth in minute detail the conclusions we have reached after more than 18 months of work on the international connections that were involved in the attack.

We want to emphasize that the report is more than just a restatement of the requests for the capture of the individuals for whom Judge Galeano had previously issued a writ in this regard; for if this were the case we could simply submit those same requests with a few stylistic changes. However, this does not mean that the two requests have nothing in common, since one cannot seriously expect them to be totally different, given the large amount of information accumulated in the case through so many years of investigation. However, and particularly in view of the work that has been done since Judge Galeano was recused from the case, there are many other ways in which the conclusions of the previous and current analyses differ substantially. This difference is reflected by the fact that our report identifies some of the suspects whose capture we feel should be requested, although Judge Galeano did not order the capture of these individuals. And the reverse holds true as well, i.e. we feel that some of the requests for capture issued by Judge Galeano were not justified by the evidence.

These differences are also apparent in the accusations, both against the highest authorities in the Iranian government at the time, as well as against Hezbollah.

Indeed, whereas Judge Galeano confined himself to declaring that the attack was the work of "radicalized elements of the Iranian regime," in our view it has been proven that the decision to carry out the attack was made not by a small splinter group of extremist Islamic officials, but was instead a decision that was extensively discussed and was ultimately adopted by a consensus of the

highest representatives of the Iranian government at the time within the context of a foreign policy that was quite willing to resort to violence in order to achieve the goals are inherent to the Islamic republic that was established by the revolution of February 1979.

By the same token, the contrast between the view of Hezbollah that is expressed in our report versus the view expressed by Judge Galeano is noteworthy. Apart from the fact that in Judge Galeano's ruling the nature and scope of the relationship between Hezbollah and Iran remain obscure (we are absolutely certain that Hezbollah marches to the beat of the Iranian political and strategic drum) one thing is clear: whereas Judge Galeano made a point of stating that there was no need to determine whether Hezbollah is a "terrorist movement, or a movement that is resisting Israel's illegal occupation of Lebanon," it is obvious to us that the "terrorist movement" characterization is the correct one. And thus our report tries to elucidate this matter for the simple reason that it is precisely Hezbollah's terrorist dimension that throws abundant light on many of the immediate causes of the AMIA attack.

But apart from these circumstances, which could be regarded as questions of nuance, also relevant in this regard is that unlike us, Judge Galeano failed to find that Hezbollah was responsible for the attack, despite the fact that some passages in his ruling clearly show that he had doubts about the validity of this view. For example, in referring to the group Ansar Allah that claimed responsibility for the attack, Judge Galeano states that "it was a small group of fanatics that served as a shield for an Islamic fundamentalist group that *presumably had ties to Hezbollah*." These doubts also surface a bit further on. In discussing the strong public statements made by Hezbollah leaders shortly before the AMIA attack, Judge Galeano says that "if these statements were a manifestation of

political rhetoric that was indicative of a political agenda that did not necessarily define a specific action (...) *in no way did these statements imply that Hezbollah regarded itself as a political party that was implicated in initiatives that entailed the group's responsibility.*" Judge Galeano concludes by saying this: "No evidence has come to light as yet indicating that Hezbollah could have known of the plans, and subsequent to that, could have been implicated in the consequences..." [emphasis added] p. 106.280,106.380 and 106.380 (reverse), respectively). In any case – and at least from our standpoint – perhaps the observations made above will throw a clearer light on the importance of the decision by the Interpol General Assembly. Its main impact is not to promote a mere camouflaged repetition of the previous ineffectual requests for capture. Instead, this decision has provided an ideal opportunity to completely reexamine the evidence in the case, a reexamination whose results may or may not be consistent with those of previous work that has been carried out.

It should also be noted that the conclusions presented here do not mean that the investigation of the attack is over and done with. There is a great deal of evidence in the various files that has not been thoroughly investigated,[5] a circumstance that has prompted us to refrain from formulating any conclusions concerning these aspects of the investigation, since this would run the risk of improperly fragmenting the analysis and thus perhaps lead to erroneous interpretations.

When it comes to matters such as these, we feel that it is best to proceed cautiously until the pending investigations are completed, at which time we will determine, on the basis of a global analysis of the evidence, whether a new report should be issued[6] with a view to completing the historical reconstruction of the AMIA attack that we are submitting to the Court today.

[5] To take just one example: an extensive investigation of phone calls that is currently in progress in collaboration with the secretary of intelligence; this will include an analysis of domestic and international phone call records from 1991 forward.

[6] At present, it appears that this evaluation will have to be conducted in the relatively near future

In concluding this rather lengthy introduction, we would like to make one other (perhaps unnecessary) comment.

We show in the present report that the decision to carry out the AMIA attack was made, and the attack was orchestrated, by the highest officials of the Islamic Republic of Iran at the time, and that these officials instructed Lebanese Hezbollah – a group that has historically been subordinated to the economic and political interests of the Teheran regime – to carry out the attack.

We also fee that in investigating the attack in Buenos Aires on July 18, 1994, it is important to take into consideration the geopolitical situation that prevailed in the Middle East at the time of the attack, and at the same time realize a more detailed historical analysis of the conflict that has traditionally afflicted, and continues to afflict Arab-Israeli relations.

In fact – and in keeping with the testimony of experts in this field – we believe that the most salient characteristics of the event place it squarely in the category of religious terrorism or terrorism that is rooted in religion (as opposed to secular terrorism), that the event has clear international implications, and that any assessment of the attack that omits these factors will run the risk of sinning through omission, or at best will be incomplete.

Hence, we felt that it was necessary to touch upon issues, albeit indirectly, that relate to religion, specifically Islam, or to put it more concretely, a radicalized assessment of Islam.

These are without a doubt highly complex and sensitive matters which we actually would have preferred to steer clear of completely. But for the reasons stated above, we felt that addressing these issues was not only necessary but in fact unavoidable.

This viewpoint is more readily understandable when viewed in light of the specific features that characterized theocracies such as Iran in 1994 when the attack occurred, whereby politics and religion were inextricably bound up with each other, to the point where the former was regarded as a function of the latter.

In the case under consideration here, and notwithstanding the fact that specific individuals were in charge of and responsible for the actions that led to the decision to carry out the attack, plan it and execute it, we should bear in mind that many of these persons were high officials in a government whose legitimacy rests on principles of a religious nature, and that this wholly objective real-world fact, which is eminently amenable to verification (it suffices to simply read Iran's formal name, or look at certain principles laid down in its constitution), perhaps embodies better than anything else the confluence of politics and religion in Iran that we are trying to shed light on in the present report.

On the other hand, one must also avoid the pitfall of oversimplification, i.e. the assumption that any theocracy, just by virtue of being one, will support the use of terrorism in pursuit of its political objectives, or that practicing a specific religion, whichever one it happens to be, invariably means that its adherents will automatically believe violence is a legitimate way to propagate the religion. It is most decidedly not our intention to put forward any generalization of this nature, which would also be extremely unfair to the millions of Muslims in the world today who practice their religion in a peaceful and well intentioned manner.

Needless to say, we fully support the principle of freedom of religion laid down in Articles 14, 19 and 20 of the Argentine constitution, as well as the international treaties that were incorporated via

clause 22 of the constitution's article 75. We also want to make it clear that addressing the subject of religion itself in the sense of a manifestation of the spiritual dimension of the individual is, as we have stated, an extremely complex and delicate matter, and not at all the purpose of the present report. We also wish to state our unequivocal belief that Islam promotes peace and harmony between all human beings, and does not seek to provoke hatred and barbarism – far from it.

Unfortunately, since time immemorial this has not prevented fanatic and unscrupulous individuals from using religion as a pretext for carrying out their alleged religious "duty" to incite others to murder their fellow human beings. In such cases, religion becomes a mere facade and pretext that serve to mask facts that when looked at squarely in the face, can only be described as atrocities.

b) Issues regarding the use of classified documentation

The necessary use, for the present report, of evidence provided by the Secretariat of Intelligence[7] that has been classified as "secret and confidential" merits a separate section.

At this period, the Argentine intelligence organization was carrying out the tasks that it felt were necessary in order to comply with the law. They did this on the basis of the following: operational undertakings; background investigations using technological and human resources; requests for cooperation concerning information and exchanges of information with the international community; and observations, reviews and analyses that fall within the defined purview of intelligence activities.

Against this backdrop, it is necessary to address certain issues concerning the use of this information, insofar as it was part of the investigation.

[7] This information was incorporated into the files on the basis of the initial request made by Judge Galeano on the day of the attack.

Toward this end, it should be noted that the evidence used to substantiate the views set forth in the present report is all "declassified", which means that for purposes of use in this report, its "confidential" status has been revoked.

This is consistent with decision SI R no. 119/05 issued by the Secretariat of Intelligence of the executive branch. According to article 1 of this decision, our unit is entrusted with all of the documentation that falls within the purview of the *Unidad de Relevación*, thus allowing us to undertake legal investigations and facilitating the attendant tasks, including the compiling and analysis of the information referred to in Decree 787/03, whereby such documentation must be kept strictly confidential by all persons that have access to it.

The same stance was adopted on submission to our unit of a certified copy of the administrative summaries that were realized pursuant to decisions no. SI 540/00 and 473/03. These decisions define the means that are to be used by judicial authorities so as to ensure that certified copies that are in the possession of said authorities are staff members and that they are in such offices in accordance with the prescribed modalities, and without allowing any replication or disclosure of the documentation or information via technical or human means.

Thus as we have seen, some of the documentary evidence was "declassified" so that it could be used to promote the success of the investigation.

The remainder of the documentation that was originally classified as confidential and that was not subject to the declassification process referred to above was used and validated by past investigators, by virtue of document declassification and the lifting of government secrets that allowed for use pursuant to the regulations set forth in the Argentine criminal trial code.

Hence, on being authorized in respect to the aforementioned, the present *Ministerio Público Fiscal*, by the authority vested in us, on incorporation of the content of such documentation (currently declassified with a view to moving the investigation forward), validated the contents of such documentation in accordance with the principles of common sense and in light of the applicable laws concerning procedures for the validation of evidence in criminal trials.

c) Matters that are proven in the present report

The present report specifies the evidence that we now regard as being proven to a sufficient extent that it can be said with certainty that the highest-echelon Iranian government officials were directly responsible for the AMIA attack. Toward this end, we will show that said officials made the decision to carry out the attack, defined the manner in which it was to be implemented, and instructed the terrorist organization Hezbollah to carry out the operation in its capacity as a mere instrument, in this case, of the will of the Teheran government; whereby this organization carried out the final phase of the operation that culminated in the destruction of AMIA on 18 July 1994.

We will also show that for Iran's leaders, there was nothing unusual or exceptional about the realization of an attack of this nature. To the contrary: an analysis of the information that has been gathered in this case shows beyond a shadow of a doubt that the realization of acts of terrorism abroad was not the outgrowth of an unusual foreign policy instrument, but was instead based on the principles of the Iranian revolution of February 1979, the ultimate goal of these principles being to propagate Iran's fundamentalist view of Islam throughout the world.

However, one must be careful not to fall into the trap of oversimplifying to the point of believing that the doctrine of exporting revolution is the immediate and exclusive factor that leads to the realization of terrorist attacks.

As a rule – or at any rate, this is what emerges from the specific cases we have analyzed for the purposes of the present report – each of these acts fulfilled a need to achieve specific political objectives such as destabilizing groups that oppose the regime, actively resisting the presence of Western nations in the Middle East, or simply responding through the use of violence to actions that the Iranian regime regards as being detrimental to or an attack on its interests. However, while

the doctrine of exporting revolution does not in and of itself justify the recourse to indiscriminate violence, it does provide a theoretical and ideological justification that allows for the use of violence in specific cases in which violence is necessary in order to further the regime's strategic objectives.

With this goal in mind, and as actually occurred in the case of the AMIA attack, the following emerges: the Tehran regime was in the habit of availing itself on frequent occasions of the operational structure of Hezbollah – a militia that itself had developed under the protection of the ideology of the Khomeini revolution. And as the years went by, Hezbollah had evolved into a fundamental instrument for the realization of the Iranian foreign policy objectives alluded to above. In view of this particular aspect of the matter at hand, the present report attempts to describe the close relationship of subordination that existed between Hezbollah's leadership and its Iranian opposite number, whereby the emergence and consolidation of this relationship cannot be fully explained without taking into account the expediency of this attack for Iranian interests in the region. As mentioned previously, this was reflected not only on the theocratic plane, through the identification of a common enemy, but also and more patently, through the regular and not in the least bit concealed military and financial support the Iranian government gave to Hezbollah.

It is perhaps useful to point out at this juncture that the terrorist attack on AMIA occurred against the backdrop of the conflict that has been raging in the Middle East for decades. Against this backdrop, and notwithstanding the obvious fact that the attack was directly aimed at the Jewish community, insofar as the specific reasons that made Argentina a suitable place to which to extend the Middle East conflict, we feel there is sufficient evidence to prove that the attack was carried out

in Argentina owing to the Argentine government's unilateral decision to terminate the nuclear materials and technology supply agreements that had been concluded some years previously between Argentina and Iran. In this regard, and for reasons that will be explained presently, it should be noted that at this period the Iranian government felt that it was crucial for Iran to develop its nuclear capacities.

In our view, this was the determining factor that prompted the decision to carry out the AMIA attack, a decision that was made by the Committee for Special Operations, which at the time the decision was made, was composed of the spiritual leader Ali Khamenei, president Ali Akbar Rafsanjani, foreign minister Ali Akbar Velayati, and intelligence minister Ali Fallahijan. The decision was made at a meeting held on 14 August 1993 in the Iranian city of Mashad, to which location two individuals who are central to the event were specially summoned, namely Mohsen Rabbani, who at the time was sheik of the At-Tauhíd mosque, and Ahmad Reza Asghari,who at the time was Third Secretary of the Iranian embassy in Buenos Aires. Both of these men played key roles in the intelligence infrastructure that the Iranian government maintained in Buenos Aires at the time of the attack, and without which an operation of the magnitude of the AMIA bombing could not have been realized successfully.

As for the proposal that was discussed and approved at the 14 August 1993 meeting, it should be pointed out that the proposal was originated by the so called Office of Intelligence and Security, which was headed by president Rafsanjani himself, and whose personnel were as follows; Fallahijan, the commander of the Quds Force; Ahmad Vahidi; the commander of the Revolutionary Guard (Pasdaran) Mohsen Rezei; and the foreign minister. As will be described in detail below, the selection of AMIA as a target for a bombing attack was the result of an analysis of various intelligence reports that were sent to the Office of Intelligence by various Iranian agents.

Returning to the subject of Iranian intelligence penetration of countries the Iranians referred to as targets, the present report tries to show that the implementation and maintenance of this type of structure in infiltrated countries had a practical function and to some extent was necessary in order for Iran to achieve its foreign policy objectives.

We will also show that Argentina was infiltrated by Iran's intelligence service, which in the mid 1980s began establishing a vast spy network that then became a complete intelligence service that comprised the Iranian embassy and its Cultural Bureau in Buenos Aires; extremist elements that were associated with the Shiite mosques At-Tauhíd in Floresta, Al Iman in Cañuelas and El Mártir in San Miguel de Tucumán; the businesses that we refer to as "fronts" – G.T.C. and Imanco; as well as other radicalized members of the Islamic community, who were in Argentina for the sole purpose of gathering the information and making the arrangements that paved the way for realization of the attack on AMIA on the morning of July 18, 1994.

The fact that Iranian intelligence made use of and relied on the aforementioned perfectly legitimate entities to establish an intelligence service, using entities such as mosques as a front, does not necessarily mean that these entities were directly implicated in the AMIA bombing. All this means is that Iran intelligence exploited these structures, relationships and options in order to achieve specific objectives.

Our report shows that the driving force behind these efforts was sheik Mohsen Rabbani, who later became the cultural attache of the Iranian embassy in Argentina. From the time of his arrival in the country in 1983, Mr. Rabbani began laying the groundwork that allowed for later implementation and further development of the spy network referred to above.

All of the elements that went to make up this infrastructure intermeshed, and involved the implementation of an intelligence service in Argentina that had sufficient capacity to successfully organize the activities that culminated in the attack.

In the following, we will show that once the decision had been made to carry out the attack, the information flow between Iran and its Argentinean embassy substantially increased, basically via functionaries and diplomatic couriers. At the same time, substantial amounts of money were transferred from Iran to one of the bank accounts held by the aforementioned Mr. Rabbani – who was indisputably the leader of the regime of the mullahs in Argentina and perhaps its most representative member from an ideological standpoint – and involved considerably larger sums than in comparable periods that were assessed.

Rabbani's involvement in preparations for the attack is demonstrated even more clearly by the incontrovertible documents indicating that during this same period shopped around in Buenos Aires for a van similar to the one that exploded in front of the AMIA building a few months later.

We will also show that the then minister of intelligence Ali Fallahijan was in charge of orchestrating the various aspects of the operation from Iran, and that he instructed Imad Moughnieh (head of Hezbollah's international operations at the time) to coordinate the operational aspect of the attack. In this regard, reports annexed to the case files suggest that Moughnieh was in charge of establishing the operational group whose task it was to carry out the attack. The members of this group in all likelihood entered Argentina in early July 1994, as is shown by the international phone records that were analyzed by our investigation unit.

These facts have led us to the conclusion that the members of the operational group, or at least some of them, entered Argentina on July 1, 1994 via Ezeiza International Airport and that they left the country via Jorge Newberry Metropolitan Airport on the day of the attack, as can be seen from the various phone calls that were made from pay phones at the aforementioned airport, as well as calls made from various pay phones located near AMIA. All of these calls were placed to **one** cell phone subscriber located in the city of Foz de Iguazu, Brazil, in the area known as the Triple Border area, whose members'[8] task was to coordinate activation of the members of the cell that was operating in Buenos Aires. This hypothesis is supported by the fact that the flow of calls from Argentina to this subscriber abruptly and definitively stopped on the day of the attack.

On July 1, 1994 at 10.53 a.m., the first cell phone call was placed from a subscriber at Ezeiza International Airport to the cell phone used by the coordinator of the operational group. A second call was placed at 12.18 p.m. from the same airport, but using a different phone line.

A third call was placed at 5.21 p.m. on the same day to the aforementioned cell phone, but this time from a pay phone located at Av. Corrientes 707 in Buenos Aires. Only six minutes later, and from this same location but using yet another phone line, a call was placed to a member of the group headquartered in Foz de Iguazu, which according to Argentina's intelligence service, has ties to Hezbollah. Nine minutes later, another call was placed using the same line to a subscriber that was identified as the head office of Hezbollah in Beirut.

[8] Translator's note: *[sic]* in the Spanish. There is apparently something missing after "triple border", probably this from the previous version of this text (summary of the report): *where groups affiliated with Hezbollah were headquartered at the period and whose members...*

A week later, i.e. on July 8, 1994 and again from the pay phone on Av. Corrientes 707, a call was placed to the cell phone of the coordinator of the operational group. From 9:28 a.m., when this call was placed, until 9:47 a.m., more than 20 calls were made to subscribers in Lebanon who, according to the Argentinean Secretariat of Intelligence were members of Hezbollah. These calls involved an extensive exchange of information that coincides precisely with the day upon which Ahmad Asghari, the Third Secretary of the Iranian embassy in Argentina, abruptly left Argentina for good. As we shall see, Asghari was one of the highest placed persons in charge of the attack.

On July 10, Carlos Alberto Telleldín placed a classified ad in a national newspaper offering for sale a Trafic vehicle whose characteristics were identical to those of the car that was used for the suicide bombing and whose engine serial number was 2831467. This engine was found in the wreckage of the AMIA building several days after the attack.

At approximately 6 p.m. on July 15 (i.e. five days after Telleldin's ad appeared in the newspaper, and only three days before the attack) the car that was later used in the bombing was driven into a parking lot called Jet Parking, which was located approximately 400 meters from the AMIA building. The identity of the party that parked the car in the parking lot is unknown. Less than 20 minutes after the car was parked, a phone call was made from Mohsen Rabbani's cell phone (which had been purchased shortly before this time) to the At-Tauhid mosque. The relevance of this call is demonstrated by the fact that, according to information from the cell phone provider, the call was placed from an area near the Jet Parking parking lot (according to the antenna that was activated upon placement of the call). This call lasted only 26 seconds, just

the amount of time that would have been necessary to confirm the success of a key phase of the operation.

The string of confirmations continued, except that approximately 60 minutes later at 7:19 p.m. a new call was detected, this time to the phone of the operation coordinator in Foz de Iguazu. The call was placed from a pay phone located at Avenida Nazca 1744 in Buenos Aires, which is only a few city blocks away from the aforementioned At-Tauhíd mosque. This means that the information had been conveyed to the party who, in our view, was the coordinator of the operational group.

The coordinator received another call from this same pay phone only 20 minutes later at 7.38 p.m., and this was followed by another phone conversation between the coordinator and the aforementioned member of the group headquartered in Foz de Iguazu, which according to Argentina's intelligence service, has ties to Hezbollah.

This cursory description of the triangulation that it was necessary to realize, for reasons of security, in order to convey the information that the van containing the bomb had been successfully parked clearly shows that (a) the Trafic van that was parked in the Jet Parking parking lot was the same vehicle that was later used for the AMIA attack; and (b) the parking operation was carefully monitored at all times by the members of the terrorist group, one of whom was Mohsen Rabbani.

On the day of the attack (July 18) a final call was received by the operation coordinator's cell phone. This was the call realized from Jorge Newberry Metropolitan Airport at 7.41 a.m. There can be little doubt that the assigned task (i.e. the suicide bombing) of this segment of the operational

group was carried out successfully. The operation had entered its final phase. Anticipating the consequences that committing this attack could conceivably bring, the Tehran regime adopted a series of measures aimed at protecting itself and its officials from any accusations that might be leveled at them in the wake of the attack. Thus in March 1994, just four months prior to the attack, despite the fact that Mr. Rabbani had been posted to Argentina since 1983, he was granted diplomatic status and hence diplomatic immunity. In doing this, the Iranian government demonstrated that they had learned from past experience. In October 1992, Kazem Darabi, a local regime functionary whose functions were analogous to those of the cultural attache Mohsen Rabbani in Argentina, was arrested in Berlin, Germany for having participated one month previously in a 17 September assassination at a Berlin bar called Mykonos. Unlike Rabbani, Darabi did not have immunity from arrest, and thus nothing could have prevented his being captured and ultimately sentenced for his crime.

In the same vein, on June 30, 1994, only 18 days before the AMIA attack, Iran's ambassador to Argentina Hadi Soleimanpour left Argentina from Ezeiza International Airport. Eight days later, on July 8, Ahmad Reza Asghari deputy chief of mission and right hand man of Ambassador Soleimanpour left Argentina.

The day before the attack, the Iranian ambassadors to Chile and Uruguay did likewise i.e. they left on the same flight to Frankfurt.

Everything was ready for execution of the operation.

On July 18, 1994 at 9:53 a.m. Ibrahim Hussein Berro – a Lebanese national and active member of Hezbollah who was at the wheel of a Renault Trafic van that was carrying between 300 and 400 kilograms of explosives – stopped the vehicle in front of the AMIA building at 633 Calle

Pasteur and detonated the explosives, which resulted in the collapse of the front of the building and varying degrees of damage to neighboring buildings. The attack also killed 85 persons and inflicted injuries of varying degrees of severity on an additional 151 persons at a minimum.

In view of the modus operandi employed in this operation – which various experts on international terrorism testified in court is characteristic of Hezbollah – and the fact that the method used in the AMIA attack was identical to that employed two years previously in the attack on the Israeli embassy in Buenos Aires (an attack that was found to have been perpetrated by Islamic Jihad in its capacity as the military wing of Hezbollah), suspicion immediately fell on Hezbollah. Less than one week after the attack, the hypothesis began to take form. On July 23, 1994 the Lebanese newspaper *An-Nahar* published a communiqué from an organization calling itself Ansar Allah taking responsibility for the AMIA bombing as well as the bombing over Panama of an Alas Chiricanas airliner.

As we shall see, Ansar Allah was one of the many fictitious names that Hezbollah used to claim responsibility for its attacks. Moreover, experience has shown that Hezbollah has habitually adopted this method for the clear purpose of avoiding blame for the various actions it has carried out, except for those realized in Lebanon, where the conflict has taken the form of a conventional war.

From this point on, as mentioned previously, the judicial investigation of the AMIA bombing went through a long series of ups and downs, mainly regarding the investigation of the bombing's "local connection." Nonetheless, already in the early stages of the investigation, there were indications that the then government of Iran and Hezbollah bore ultimate responsibility for the attack. The uncooperative and oftentimes manifestly evasive attitude on the part of Iranian officials

in response to repeated complaints lodged by Argentine authorities has further confirmed that our suspicions of Iranian involvement in the AMIA attack are justified.

II. DESCRIPTION OF THE ATTACK

We shall now continue our analysis of the attack of 18 July 1994, as well as what occurred in connection with the van in the days leading up the attack.

It should be noted from the outset that the *Tribunal Oral en lo Criminal Federal No. 3* of Buenos Aires has validated the basic facts concerning the attack as presented in file no. 487/00, which was submitted to the court on 29 October 2004. In this regard, the court deemed proven the fact that at approximately 9.53 a.m. on 18 July 1994 a Renault Trafic van drove up to the door of the building at calle Pasteur 633 in Buenos Aires, which housed the offices of AMIA, DALA and other organizations. When the van got close to the building, it detonated the explosives that were inside the van, estimated to be the equivalent of 300 to 400 kg of TNT, and composed of ammonium nitrate, combined with aluminum, a heavy hydrocarbon, TNT and nitroglycerine. The ensuing explosion resulted in the collapse of the front of the building and damage of varying severity to the surrounding buildings in a radius of approximately 200 meters. The explosion resulted in 85 deaths. At least 150 persons incurred injuries of varying severity, and vehicles parked in the square were damaged.

The following persons died in the explosion: Silvana Sandra Alguea de Rodríguez, Jorge Lucio Antúnez, Moisés Gabriel Arazi, Carlos Avendaño Bobadilla, Yanina Muriel Averbuch, Naum Band, David Barriga Loaiza, Hugo Norberto Basiglio, Rebeca Violeta Behar de Jurín, Fabio Enrique Bermúdez, Emiliano Gastón Brikman, Víctor Gabriel Buttini, Viviana Adela Casabe, Paola Sara Czyzewski, Diego Ricardo De Pirro, Cristian Adrián Degtiar, Ramón Nolberto Díaz, Norberto Ariel Dubín, Faiwel Dyjament, Aída Mónica Feldman de Goldfeler, Martín Antonio

Figueroa, Ingrid Elizabeth Finkelchtein, Fabián Marcelo Furman, Guillermo Benigno Galárraga, Edwin Yonny García Tenorio, José Enrique Ginsberg, Cynthia Verónica Goldenberg, Andrea Judith Guterman, Leonor Amalia Gutman de Finkelchtein, Silvia Leonor Hersalis, Carlos Isaac Hilu, Emilia Jakubiec de Lewczuk, María Luisa Jaworski, María Lourdes Jesús, Analía Verónica Josch, Carla Andrea Josch, Elena Sofía Kastika, Esther Raquel Klin de Fail, Berta Kozuk de Losz, Luis Fernando Kupchik, Agustín Diego Lew, Andrés Gustavo Malamud, Gregorio Melman, Ileana Sara Mercovich, Naón Bernardo Mirochnik, Mónica Graciela Nudel, Elias Alberto Palti, Germán Parsons, Rosa

Perelmuttter, Roberto Femando Pérez, Abraham Jaime Plaksin, Silvia Inés Portnoy, Noemí Graciela Reisfeld, Félix Roberto Roisman, Marisa Raquel Said, Ricardo Hugo Said, Rimar Salazar Mendoza, Fabián Gustavo Schalit, Pablo Néstor Schalit, Mauricio Schiber, Néstor Américo Serena, Dora Shuldman de Belgorosky, Mirtha Alicia Strier, Liliana Edith Szwimer, Naum Javier Tenenbaum, Juan Carlos Terranova, Emilia Graciela Toer, Mariela Toer, Marta Andrea Treibman de Duek, Ángel Claudio Ubfal, Eugenio Vela Ramos, Juan Vela Ramos, Danilo Norberto Villaverde, Julia Susana Wolynski de Kreiman, Rita Noemí Worona and Ademar Zarate Loayza.

The following persons died in various hospitals following the explosion: Gustavo Daniel Velásquez, Isabel Núfiez de Velásquez, Romina Ambar Lujan Bolán, Alberto Fernández, Sebastián Julio Barreiros, Jacobo Chemauel and Olegario Ramírez. One body could not be identified, and was presumed to be León Gregorio Knorpel, who was declared missing and presumed dead.

Following the attack, the *Tribunal Oral en lo Criminal Federal No. 3* issued the following list of the persons that were injured in the attack: Daniel Joffe, Juan Carlos Álvarez, Humberto Chiesa,

Gustavo Martín Cano, Rosa Montano de Barreiros, Daniel Osvaldo Saravia, Raúl Alberto Sánchez, Alejandro Mirochnik, Pablo Ayala Rodríguez, Leonor Marina Fuster, Angélica Ester Leiva, Fernando José Andrada, Moisés Chaufan, Javier Horacio Miropolsky, Norma Heler de Lew, Elena Schreiber de Falk, Raquel Angélica Álvarez, Martín José Viudez, Gregorio Marchak, Luciano Javier Luppi, Rubén Samuel Chejfec, Hermelinda Bermín Bello, Sergio Luis Bondar, Marta Beatriz Massoli de Luppi, Jorge Osvaldo Ferretti, Claudio Alejandro Weicman, Jorge Eduardo Bordón, Ana María Balaszczuk de Cernadas, Horacio Diego Velásquez, Mónica Beatriz Barraganes, Aldo Ernesto Macagno, Adolfo Guido Guzmán, Mario Ernesto Damp, Horacio Dragubitzky, Berta Abousky de Palais, Silvio Duniec, Inés Vicenta López de Duniec, Arturo Gritti, Alejandro Daniel Verri, Laura Andrea Moragues, Lidia Bernardita Cazal Martí, Juan Aldo Lujan, Gustavo Spinelli, Norma Gladys Mansilla, Gladys Ernestina Perona de Lisazo, Ramón Máximo Gutmann, Verónica Lorena Pate, Adriana Verónica Rosa Sibilla, Gabriel León Roffe, Claudia Cristina Vicente de Liano, Adolfo Yabo, María Elsa Cena, Héctor Alberto Arce, Rita Raquel Ramírez, Jorge Alberto Machaca, Osvaldo Héctor Pérez, Ramona Miño, Ana María Rivas de Rikap, Adriana Beatriz Schettino, Susana Cecilia Lacour, Alberto Brescia, Jorge Miguel Andrada, Silvia Castillo Benítez, Mariana Andrea Sandkovsky, Dolores Insúa Calo, Edmundo Horacio Barón, Luisa Miednik, José Longo, María Beatriz Rivera Méndez, Raquel Ester Goberman, Claudio Alejandro Castro, Aída Eva Stolarsky de Bedne, Carlos Romagnani, Carlos Alberto Flores, Esther Beatriz Segelis de Dobniewski, Gustavo Cernadas, Alberto Roffe, Marcela Patricia Laborie San Miguel, Elena Atallah de Palechiz, Nicolás Wojda, Julio Carlos Sosa, Víctor Hugo Siman, Liliana Cristina Olivo, Daniel Alejandro Pomerantz, Osear Orlando Moya, Samuel Szurman, Ernesto Víctor Ini, Mónica Lucia Arnaudo de Yabiansky, Raquel Czertok de Chen, Silvia Alejandra Murcia, Silvia Verónica Carrizo, Gregorio Osear Militello, Blanca Ofelia Castillo Villanueva, Olga Magdalena Santillán,

Miriam Magdalena Hoyos, Isabel Ainwoiner de Peker, Elvira Rosa Acosta, Marcial César Peleteyro, Mario Kahan, Zunilda Petrona Martínez, Olga Josefina Martínez, José Eduardo Marzilli, Julio Barriga Loayza, León Veliz

Palmacoio, Adrián Pablo Furman, Siphor Chalelachuili de Lapidus, Simón Sneh, Paula Geniadas, Romina Yabiansky, Eduardo Waizer, Diego Nolberto Díaz, Edmundo Ruiz, Natasha Yabiansky, Celia Nora Dubini de Quiroga, Sara Shimanski de Schapira, Miguel Ángel Wehbi, Eleuterio Galán, Francisco Gustavo Galán, Hugo Enrique Ávila, Arturo Daniel Gritti, Jaime Zaidman, Mario Obregón, Claudia Patricia Valdez, Leonardo León Zechin, Salustiano Galeano, Israel Moisés Lapidus, Elias Néstor Tobal, Osear Alfredo Gómez, Martha Hilda Brodsky de Roffe, José Adalberto Gallardo Nuesch, Antonia Nélida Mastromauro, Adriana Marisa Tello, Salomón Lotersztein, Inés Zulema López, Julio César Rodríguez, Ángela Romano de Delgado, Martha Raduel Finkelberg de Pierro, Cecilia Alejandra Rikap, Ramón López and Salomón Chencinski.

The court also issued the following list of persons that were injured as when another part of the AMIA building collapsed: Luis Canzobre, Mario Antonio Ottolino, Ornar Alfredo Pérez, Pedro Martínez, Edgardo Roberto Ribrochi, Osear Alberto Banega, Gabriel Germán Peralta Ruíz, Miguel Ángel Vinciguerra, Juan Antonio Brizuela, Daniel Tobal and Claudio Baamonde.

In addition to the extensive damage caused by the explosion, it was determined that some 2000 square meters of the 4600 square meters of space in the AMIA building were destroyed by the bomb. The estimated cost of repairing the damage in the buildings mentioned above was estimated at 14,930.725 pesos, approximately four million of which was accounted for by the AMIA building.

From a legal standpoint, the bombing was classified as double aggravated homicide by virtue of having been committed for racial or religious reasons and using a method that was optimal for creating a public hazard, harm to the 85 victims, in combination with severe and mild injuries, causing harm to 40 persons, causing severe harm to 31 other persons, and multiple damage by virtue of having committed a racial or religious crime, pursuant to articles 45, 54, 80, including article 4, 5, 89, and 90, all in conjunction with articles 92 and 183, all pursuant to the Penal Code in accordance with article 2 of Law 23.592.

As for the Renault Trafic van that was used in the attack, the court concluded that the engine and body had been taken from two different vehicles. And although it was not possible to determine which body was used, it was deemed proven that the engine's serial number was 2.831.467, which was from the Trafic vehicle designated as C 1.498.506, chassis T310-003325, registered under the name Messin S.R.L; the vehicle had been affected by a fire that occurred on 7 March 1994. These were the facts that are relevant to the present investigation that the court deemed established.

We deem adequately proven the fact that in the days leading up to the attack, and specifically on Friday 15 July 1994 at approximately 6 p.m., an operation was carried out that was carefully monitored by members of the terrorist group, including Mohsen Rabbani. This operation involved an individual of unknown identity parking the van that was ultimately used for the attack at a parking lot called Jet Parking, which is located at Azcuénaga 959 in Buenos Aires, where the vehicle remained until being removed prior to the attack.

As for the process of parking the vehicle in the parking lot, it has also been established that at 6 p.m. on 15 July 2004, the aforementioned individual attempted to park the van at the parking lot but

was unable to do so owing to the fact that the van stalled. Another person appeared on the scene immediately (the person arrived on foot), told the driver to get out of the car, managed to get it started again and parked it at the end of the parking lot facing Azcuénaga street.

Following this, the second driver signaled to the first driver (without saying anything to him) and went to the area leading to the adjacent faculty. The first driver then approached the parking lot attendant, whose name was José Antonio Díaz, asked him how the parking system worked, and told the attendant that he needed to leave the car in the lot for a few days. The attendant generated a ticket on which he wrote the last four digits of the van's license plate (8506), gave it to the driver and told him to go to the office where he was helped by the parking lot owner Jorge Carlos Giser. The driver also encountered the employees Elena Schargorodsky and Alfredo Vaysman in the parking lot office.

In his testimony José Antonio Díaz recalled that he was concerned, thinking that the unusual behavior of the two individuals might mean that they were thieves. Therefore, after the individual left, Díaz went to see Giser to tell him about his concerns. Giser agreed with what Diaz said.

Returning now to the events in the office, the driver indicated to Giser that he wished to leave the van in the lot for four or five days and that he would need to remove it once or twice during that period. The parking lot manager asked the driver for the driver's name and address, the make of the vehicle, and the license plate number, for purposes of completing the form for the vehicle. The manager also told the driver that he would charge for 15 days of parking since the price for the period requested and the price for 15 days were the same. On the other hand, in view of the driver's request to remove the car from the lot prior to the end of the paid period, the parking lot manager gave the driver a sticker that allowed the driver to take the car in and out of the parking lot by

simply showing the sticker, without having to make a record of the action. The manager also collected 100 pesos from the driver for the parking charge.

The driver gave Hotel Las Américas as his address and entered his supposed document number when asked for his license plate number.[9] Giser indicated that the number had to be crossed out for this reason. In addition to the aforementioned hotel address, the completed form also contains the name used by the individual ("Carlos Martínez), the model of the Trafic vehicle, its license plate number (408.506) and the number entered by Giser (11.509.709).

These facts are consistent with the statements that were made during the preliminary investigation, and with the testimony that was given during the trial before the *Tribunal Oral en lo Criminal Federal 3* by the parking lot attendant José Antonio Díaz, the parking lot owner Jorge Carlos Giser, the parking lot employees Elena Schargorodsky, César Ornar Alderete, and José Alejandro Címbolo, and the owners of the parking lot franchise Manuel Bernardo Umansky, Mauricio Alejandro Vaysman and Gregorio Jorge Stilman. The facts set forth above are also corroborated by document (p. 207/208) submitted by Jorge Carlos Giser, consisting of the form that was completed during the event described above, a list of vehicles that entered the parking lot and a sticker of the type that was given to the Trafic driver. The aforementioned list indicates that at 6.02 p.m. on 15 July a vehicle the last four numbers of whose license plate are 8506 entered the parking lot.

Further corroboration of the scenario described above is provided by a set of photographs (p. 66.867/66.873 and 66.877/66.883) of the parking lot, as well as illustrations of the location (p. 66.876 and 66.898). Further proof is provided by the results of a graphologist's examination of said form (p. 78.553/78.555) and the report realized by the secretary or intelligence stating that

[9] Translator's note: *[sic]* in the Spanish; unclear sentence.

none of the guests staying at the hotel were registered under the name Carlos Martínez (p. 982/984).

Moreover, notwithstanding the fact that it has not been possible to determine with certainty the destination of the van when it was removed from the parking lot, or what time it was removed from the parking lot, the following has been firmly established: the fact that an individual mysteriously appeared out of nowhere in addition to the driver of the vehicle and helped said driver park the vehicle in the lot; the fact that the driver entered on the customer's form a number that could not possibly be a license plate number (the driver was told this after entering eight digits); the fact that subsequently it was not possible to locate the driver at the home address he had indicated on the form; the fact that the last four digits of the vehicle's license plate number matched those of the van owned by Messin SRL, whose engine was found in the wreckage of the AMIA building. This indicates that the vehicle that was driven into the Jet Parking parking lot was the vehicle that was used as a car bomb.

The circumstances described above – particularly the help that was extended to the driver by another individual with whom not a word was exchanged – suggest that this was a meticulously monitored operation carried out by terrorist operatives. This is also strongly corroborated by the presence of Mohsen Rabbani in the area, as well as by the call that he made from his cellphone to the At-Tauhid mosque, which was substantiated by phone company records (this aspect will be described in detail below when we discuss Rabbani's situation and his involvement in the attack). Irrespective of the information in that part of the report, it should be added here that the duration of Rabbani's call (only 26 seconds) and the fact that the call was made less than 20 minutes after the van was definitively parked can only mean one thing: that the purpose of the call was to confirm

that the van had been successfully parked, and possibly to coordinate some other detail or circumstance with regard to the van.

Now that we have described the details relating to the location of the van used for the attack during the days prior to the attack, as well as the events on the morning of 18 July 1994, in order to contextualize the event adequately, we will discuss the concept of terrorism in general, and particularly the notion and characteristics of terrorism on an international scale, a context that undoubtedly applies to the AMIA attack. Following this, we will describe in detail the elements indicating that the top leaders of the Iranian government of the time were behind the attack.

III. TERRORISM[10]

[10] Translator's note: pages 43-122 not translated at the MFA's request.

IV. THE ISLAMIC REPUBLIC OF IRAN

a)[11]

b) Analysis of other terrorist acts attributed to Iran

The acts and their subsequent legal resolution that will be analyzed below all have one thing in common. To one degree or another, they are all attributable to the government of Iran and its officials in their capacity as the organizers and sponsors of these events. This evidence constitutes the most compelling proof that the Iranian regime has systematically resorted to violence in its efforts to export the Iranian revolution. In other words, the verbal excesses and veiled threats that Iran's leadership directs every so often toward its opponents and the government of Israel are more than just verbiage: they translate into concrete criminal acts.

Moreover, an analysis of these cases reveals various similarities and parallels between the various events that have occurred; and thus it is reasonable to conclude that all of these actions were perpetrated in accordance with a preconceived modus operandi and were coordinated by a single individual – an individual whose presence was absolutely essential for the coordination of the various activities which over a prolonged period of time evolved into the components of a terrorist system. And as we shall see, this individual was Ali Fallahijan, a senior official in the Iranian government.

[11] Translator's note: not translated at the MFA's request.

It should be noted that the events described below have marked similarities to AMIA attack. These similarities provide clear evidence (apart from the abundance of other evidence presented herein) that the AMIA attack was conceived, planned, and carried out by the then-leaders of the Iranian government.

In short, an analysis of these cases reveals that at this time, the Iranian government acted in a similar manner in the outside world when it decided to carry out a terrorist operation, and consequently left its imprint on the events in which it was involved. With this as a foundation, the detection and ensuing comparison of the various telltale patterns played a determining role in the formulation of the allegation that Iran was behind these actions. The attack on AMIA exhibited these telltale patterns and thus clearly indicates that the Iranian government was the perpetrator of this criminal modality at the time.

b.l) Assassination of Kazem Radjavi.

On the afternoon of 24 April 1990, while driving his Datsun on Tannay road in Coppet, Switzerland, Kazem Radjavi was forced off the road, causing him to collide with a pillar at the entrance to a building located at number 68 of the aforementioned street. Radjavi's car had been forced off the road by two vehicles, one light colored vehicle to Radjavi's right, and another smaller vehicle, a metallic blue VW Golf, from behind. Two persons armed with machine guns with silencers then got out of the light colored car and opened fire on the victim, who was hit six times and died instantly.

Radjavi was an Iranian citizen and former Iranian diplomat. He had served as Iran's UN ambassador and as head of the Iranian diplomatic mission in Dakar, a position he resigned from in April 1981. He was the brother of Massoud Radjavi, who was head of the National Council

of Iranian Resistance and of the mujahidins, an extreme left Iranian opposition organization. He had been living in exile in Switzerland since 1981.

The investigation into this event determined that at 5.30 p.m. on the same day, a VW Golf of the same color was parked in the parking lot of Jumbo supermarket near the Geneva-Cointrin airport. The investigation found that the vehicle had been rented by an Iranian national named Samadi from a car rental agency called Elite. Inside the car (whose rear bumper was damaged) two blue caps were found (one of which had a large nylon visor) along with electronic surveillance equipment, which put to rest any doubts that might have existed up to that point concerning the involvement of said vehicle in the act under investigation, since one of the witnesses stated that they had seen a cap that fit this description. At first glance, the reference to the visor of the cap may appear to be an insignificant detail: but this visor is anything but a trifle, for it has symbolic value. In previous assassinations where involvement by agents of the Iranian was suspected, this same type of cap had been placed intentionally at the scene of the crime (e.g. the assassination of an Iranian pilot named Talebi in Geneva in 1987, and the 1989 murder of the Kurd defector Ghassemlou in Vienna).

These facts prompted Swiss authorities to delay the departure of Iran Air flight 734 to Teheran, whose scheduled departure time was 6 p.m. that day. The employees of the Elite car rental agency were asked to look at all the passengers on the plane to see if they recognized any of them. But since the employees did not recognize any of them, the plane was allowed to depart at 7 p.m. with all passengers aboard.

It is also known that from 10-24 April 1990 the Iranian national Yadollah Samadi was a guest at Hotel Longchamps along with two fellow Iranians named Mohammed Said Rezvani and Ali

Moslehiaraghi. The fact that guests of the official Iranian legation were usually put up at this particular hotel attracted the attention of the Swiss investigators.

Immigration records of individuals entering Switzerland through the Geneva-Cointrin airport show that Mohamed Said Rezvani, Mohsen Pourshafiee, Ali Reza Bayani Hamadani and Yadollah Samadi arrived in Switzerland on 10 April 1990, and that one week later Naser Pourmirzai and Said Danesh entered Switzerland through this airport. The striking fact about these arrivals is that all of these individuals had Iranian service passports and that the numbers on their air tickets were reciprocally sequential.

It also emerged that Rezvani, Bayani Hamadani, Moslehiaraghi and Pourmirzai left Switzerland on the day of the murder on the plane bound for Vienna; their movements after this are unknown. Dairesh also had a reservation on said flight, but did not take it and instead flew directly to Teheran on an Iran Air flight that departed on 24 April at 5.50 p.m.

On the day of the murder, the victim's brother Massoud Radjavi sent a telegram from Paris to the president of Switzerland accusing Iranian president Rafsandjani and the Iranian diplomats Hadi Nadjaf Abadi and Mohammed Basti Akhoundzadeh of being responsible for the crime. Mr. Radjavi stated that these men had been assisted by Cyrus Nasseri, the head of the Iranian mission to the European office of the UN in Switzerland, and by the ambassador himself Mohammed Malaek. Furthermore, it was learned that beginning on 20 April 1990 Mr. Abadi had been a guest at Hotel Intercontinental in Geneva and that during his stay he had received phone calls from other senior officials of the Iranian mission in Geneva or from Mr. Nasseri himself. Both of these men were on the passenger list of the Iran Air flight 734 that had been delayed.

This episode reveals that Iranian officials played a major role in the murder. This conclusion was reached by Swiss investigators who stated as follows: “In light of the facts that have been uncovered in this case and that are described above (...), we are convinced beyond the shadow of a doubt that one or more Iranian government bodies were involved in the assassination of Kazem Radjavi” (p. 445 (reverse) of the translation of the testimony of IP Bezencon and inspectors Cruchon, Haefliger and Jeckelman (original version: p. 5.999, file 204)).

A similar conclusion was reached by the report of July 3, 1990 submitted by Inspectors Junod and Cottier of the Security Police in Geneva, regarding an investigation that was realized under the direction of the judge in the case Ronald Chatelain:

“...We are convinced that an Iranian government organization was involved in the killings. This assertion is borne out by the following: (a) All of the Iranian nationals mentioned in the present report were carrying diplomatic passports, which relieved them of the necessity of obtaining a Swiss entry visa (...) and are issued solely by the Iranian government. In addition, all of the aforementioned Iranians were designated as being individuals that were ‘carrying out a mission.’ It should be noted in this regard that if it is nonetheless necessary to prove the links that existed between Mssrs. Rezvani, Pourmirzai, Bayani, and Danesh, their passports were all issued on the same day, i.e. one day prior to their arrival in Geneva. (b) On 24 April 1990, Massoud Radjavi sent a telegram to Swiss president Arnold Koller accusing two Iranian diplomats, Mohammed Basti Akhoundzadeh and Mohammed Abadi Hadinadjaf, of having been the Geneva coordinators of his brother’s assassination. Our investigations reveal that Mohammed Hadi was a guest at Hotel Intercontinental from 20-21 April 1990. Based on the phone calls that Mr. Hadi made from his

room, we know that he had repeated contact with the Iranian mission in Geneva. Mohammed Akhoundzadeh arrived in Geneva from Teheran on 17 April 1990 on the same flight as Mr. Pourmirzai and Mr. Danesh. Both men (as if by happenstance) left Geneva on 24 April 1990 on the Iran Air flight that was checked by our investigators. One of the men was in seat 16A, and the other in seat 16B. Moreover, we were told by a confidential source that the two men met in Geneva on April 23 and 24. (c) Our colleague de Vaud sent a telex to Interpol requesting information concerning Mr. Samadi and Mr. Rezvani, and describing them as "witnesses or persons involved in the assassination of Mr. Radjavi."

The translation then goes on to say the following: "The reply was received at the end of May. According to the Iranian police, Samadi and Rezvani were unknown to them, probably defector mujahidins, indisputably sent to Switzerland from Iraq, and hence not Iranian!! About this response, the less said the better" (official translation of a document submitted by Judge Antenen, p. 317 (reverse)/318 (reverse), included in p. 5.199 of file 204).

In addition, the responsibility that the Swiss authorities ascribed to the Iranian security service were based on other inculpatory evidence. For example, an affidavit by Behrooz Basseri Gharehbaba (former secretary of the Iranian embassy in Bern, and a defector and political refugee in Switzerland) stated as follows: "...While working in Switzerland (...) I was going from Bern to Geneva by car, one of his colleagues, Tabrizi, who was in charge of secret documents at the embassy, said when we got to Coppet: "This is where our guys killed Radjavi. They did a good thing and we're grateful to them." (p. 71 of the translation of the documents submitted by the Swiss magistrate Jacques Antenen, part of p. 5.199 of file 204). The conclusions reached by the Swiss

police concerning the testimony continue as follows: “According to this witness, there is no doubt about the fact that the Iranian government was directly implicated in the attack and that the order came from the minister Ali Fallahijan” (p. 71 (reverse) of the aforementioned translation).

Our investigation also determined that the calls realized by Hadi Nadjaf Abadi from Hotel Intercontinental in Geneva, where he was a guest from 20-24 April 1990 (the day Radjavi was murdered) were made to the office of mullah Mir Hejazi – Abadi’s immediate superior and a colleague of Khamenei – and to office 219 of Vezarat-e Ettela at va Amniat-e Keshuar (hereinafter referred to as “Vevak”). In Mr. Mesbahi’s testimony in this file, he states that any person who regularly makes calls to such phone numbers from the outside can only be acting as the coordinator of an action or event in whose regard said person is required to report to Teheran.

These various facts led the judge in charge of the case, Jacques Antenen, to order the international capture of Ali Fallahijan for his alleged participation in the event. In his writ, the judge stated as follows: “The unit that carried out the attack probably comprised four persons. In any case, the investigation established that 13 persons were involved in planning and carrying out the murder. All of these persons were legitimized by virtue of their Iranian service passports, which stated that they were carrying out a mission. Some of these documents were issued in Tehran on the same dates. The majority of the suspects entered Switzerland together via direct Iran Air flights from Tehran to Geneva, and had in their possession flight tickets whose numbers were reciprocally sequential. Their collusion and participation was brought to light on the basis of the relevant hotel bills and car rental contracts. The perpetrators were able to escape from Switzerland during the hours immediately following the crime. They have been sought ever since, and international requests for capture have been issued for them (...) The minister Ali Fallahijan was in charge of

coordinating the execution of the operation; all orders and missions were carried out at his behest" (p. 5.890/5.894 of file 204).

Hence the Swiss investigation centered on a group of 13 Iranians who are suspected of having conspired to murder Kazem Radjavi. In determining how this was done, the Swiss investigators took into account the political activities of the victim, his enmity toward the Iranian regime, the numerous entries and exits of Iranian diplomats to and from Geneva, immigration that coincided with the murder, official documentation that the suspects were carrying with them, and the ties between them and certain agencies of the Iranian government. Finally, the Swiss investigators found that responsibility for the crime also lay with the person that was suspected of ultimately having orchestrated the operation, the then Iranian minister of intelligence Ali Fallahijan.

One last document supports this conclusion. The document is a report issued by the Swiss police that reveals the contents of a file that is archived at the Ministry of Intelligence in Teheran concerning the assassination of Kazeem Radjavi. The file states as follows: "It was in early 1989 that the Executive Information Coordination Committee put the assassination of Kazem Radjavi on its agenda. It was the Ministry of Intelligence that took charge of this dirty deed (...) The idea of assassinating the representative of the Iranian resistance in Switzerland was elaborated by the Ministry of Intelligence and was adopted by the Supreme Security Council, which was headed by Rafsanjani himself. The Council allocated $150,000 dollars for this project.

In May 1989 a team of terrorists arrived in Switzerland to begin laying plans for the operation. Two months later, this team presented three proposals in Teheran.

– Proposal 1: Committing the murder at the subject's home and killing all those who happened to be in the residence at the time.

– Proposal 2: Planting a bomb in the subject's car. Here, three modalities were proposed: (a) installing the detonator in the speedometer; (b) installing the detonator above one of the brakes; (c) installing the detonator in the starting mechanism.

– Proposal 3: Murdering the subject as he left his house or in the street.

Having meticulously investigated the circumstances, the security service prefers the idea of assassinating Dr. Radjavi in the street, and they have begun laying plans for the operation. In the interest of completing these plans, in 1989 various reconnaissance and operational teams went to Switzerland" (p. 157/161 of the translation mentioned above, part of p. 5.199 of file 204).

In view of the arguments and conclusions put forward by the Swiss authorities, there can be no doubt that the Iranian security service had a hand in the murder. Nor is there any doubt that top Iranian officials were ultimately responsible for the murder of the defector Mr. Radjavi.

It should also be noted that, although this operation involved the assassination of an Iranian defector in Europe, it has features in common with the attack that is under investigation here. The first common feature is the large number of diplomatic couriers that entered and left Geneva at the time of the crime, a circumstance that was also verified in Argentina. The second similarity concerns the participation of Iranian diplomats in the organizational phase of the event. The third similarity concerns the participation by the former Iranian minister of intelligence, Ali Fallahijan,

who was in charge of coordinating the operation – a role he also played in the terrorist attack on AMIA (as is shown elsewhere in this report).

b.2) Assassination of Chapour Bakthiar.

On August 8, 1991 at approximately 11.50 a.m., Chapour Bakthiar, secretary general of the Iranian National Resistance Movement and his secretary Soroush Katibeh were found dead at the residence located at 37 Rue Cluseret de Suresnes near Paris. Autopsies of the victims revealed that the murders had been committed two days previously. Bakthiar was found to be have suffered mechanical asphyxiation, multiple fractures of the larynx, as well as external bleeding resulting from puncture wounds inflicted by a sharp weapon. Katibeh had suffered facial asphyxiation, as well as multiple puncture wounds inflicted by a sharp weapon.

Bakthiar had been named prime minister of Iran in early January 1979 under the Shah's government, but was forced to leave this post less than a month later when the Shah was deposed by the Islamic revolutionaries. Bakthiar then escaped to France, where he founded and headed the Iranian National Resistance Movement, which was opposed to the Iranian regime. Bakthiar channeled his political activities into this organization and used it to fight against the Iranian government.

Owing to an attempt on Bakthiar's life on 18 July 1980, as from that date he was under the protection of the French police, whose personnel were stationed at the entrance to his home, where they checked all visitors as they entered and exited.

In view of this fact, the primary suspects in the crime were the last visitors, who were the Iranian nationals Farydoun Boyerahmadi, Mohammed Azadi and Ali Vakili Rad. They entered the victims' home at 5 p.m. on 6 August and had left one hour later. The suspects were aided in their flight by numerous arrangements that had been agreed upon with this goal in mind.

Using this as a starting point, the investigators reconstructed the events leading up to the crime. Hence it was determined that on 29 May 1991, Vakili Rad and Azadi obtained Iranian passports under the aliases Hosseini Kamal and Nasser Norian. On 23 and 26 June respectively, they applied to the French embassy in Teheran for visas to France, under the pretext that they had business ties with a company known as Syfax. The intervention of Iranian businessman Massoud Seyed Hendi with French consular authorities on behalf of Norian (Azadi) and Hosseini (Vakili Rad) was the determining factor in issuance of the visas on 2 July 1991. However, a delay in the logistics concerning the attack, and more precisely in the escape plan, prompted the two men to reapply for visas, albeit under their real names i.e. Vakili Rad and Azadi.

The two men arrived in Paris on 30 July 1991, where they were met by Boyerahmadi, who took them to the Hotel Printannia. They remained there until 6 August 1991.

On 2 August of that same year, Vakili Rad received the keys to an apartment that was located at 36 Avenue d' Italie in Paris. He had rented this apartment by phone from Iran under the alias of Nasseri. He never occupied this apartment, which served as a hideout for Boyerahmadi after the murders. Boyerahmadi remained in hiding in the apartment until 15 August, at which time he fled.

As for Vakili Rad and Azadi, after having committed this double homicide they boarded a train to Lyon-Perrache, and from there took a taxi to Annency, where they arrived at 2 a.m. on 7 August. They were planning to cross into Switzerland, but were refused entry at the border for having

presented Turkish passports containing counterfeit visas. They finally managed to cross into Switzerland, arriving in Geneva on 12 August 1991, where they separated. Vakili Rad was ultimately arrested, and Azadi, after having met with his contact (an Iranian named Ghasminejad), managed to flee.

Using France's national computer system, the judge in the case, Jean Bruguiere, traced the calls (among other measures) that the suspects had made. Particularly revealing in this regard was the analysis of the phone calls made by the suspects from the pay phones along their escape route, which revealed the key numbers that the fugitives had called.

Two of these numbers were those of apartments located in Istanbul that were connected with a certain Mesut Edipsoy. Although Edipsoy was detained and then released by Turkish authorities, the latter permitted French authorities to analyze the records of phone calls that were made from the aforementioned apartments. French authorities detected calls to Paris, to the Iranian Ministry of Telecommunication, and to the Iranian security service.

This led to the conclusion that a Turkish cell existed that was intended to serve as a hideout for the fugitives on their way to Iran.

French judicial authorities accepted as proven that during the months of May, June and July of 1991, the necessary measures were taken to facilitate the perpetrators' entry into France, as well as the entry into Switzerland of their accomplices in order to help them escape (p. 1.614 of file 209). On 6 December 1994, the Superior Criminal Court of Paris sentenced Ali Vakili Rad to life imprisonment for the murder of Chapour Bakthiar and Soroush Katibeh, and sentenced Seyed

Massoud Hendi to ten years' imprisonment for having aided and abetted the crime through his actions in Teheran and Issy Les Mouineax between the end of May and 6 August 1991 (official translation of the French court's decision p. 1.581/1.591 of file 209).

We will now present a detailed analysis of the evidence presented by the French court. The French court's proceeding clearly show that the assassins were not only acting under the protection and aegis of the Iranian government, but were also faithfully executing instructions from Iran's leaders to commit murder. The fact that the highest ranking officials of the Iranian government were responsible for planning, providing weapons for, and carrying out this highly selective assassination is clearly indicated by the obvious benefit resulting from the disappearance of one of the main political opponents of the Islamic regime, the scope of the resources deployed during the operation, the ease with which fake documents were obtained, the large number of Iranian nationals that helped the suspects to escape, and the documented ties between some of the individuals involved in the operation and the Iranian government.

We will see that this conclusion is neither unfounded nor arbitrary, and that it is in fact borne out by the French court decision. In the first place it is a proven fact that the one actual perpetrator that was arrested was a member of the Iranian intelligence establishment. The French court stated as follows: "Ultimately, although Vakili claimed to be a supporter of MNRI, it emerges from the testimony, particularly that given by Mr. Nowzari, that his real name was Kossari, that he was a key operative in the Ministry of Intelligence, and that he had also worked for the interior security service of Pasdaran" (p. 1.601/1.651 of file 209). As for the second person who participated in the massacre, the fugitive Mr. Azadi, the Paris court stated as follows: "...On 24 August 1991 Mr.

Azadi took refuge in the Iranian embassy in Berlin. Azadi is his real name. He is a senior official in the ‘information service’ of Pasdaran, and had been transferred to the ‘Force’ service of the QODS, where he was in charge of terrorist or fundamentalist operations outside Iran.

Vakili also worked for QODS, where he reported to Azadi" (p. 1.601/1.651 of file 209). With regard to the third person implicated in the murder, the court said, “The position of Mr. Boyerahmadi vis-a-vis the Iranian regime appears to be very confused.

He was reputed to have close ties with Chapour Bakthiar. He also attended a political meeting in the latter’s villa on 27 July 1991, at which time he was waiting for his two ‘friends’ from Iran.

It was verified that the house’s staff of cooks and domestic help had gone on vacation, which facilitated realization of the project.

On the other hand, Boyerahmadi was regarded by many as being untrustworthy. He was suspected of working for the Iranian security service, which would explain his going freely to Iran. His actions were driven by corruption and personal ambition” (p. 1.601/1.651 of file 209).

The statement to the effect that the actual perpetrators worked for the government of another country is clearly intended to lay the responsibility on the doorstep of these spheres of power. This conclusion is strengthened by the court’s analysis of the other persons implicated in the crime, which indicates even more strongly that the Iranian government was responsible for it.

Concerning Hossein Sheikhattar (an Iranian ministry official who was assigned the task of obtaining visas for Vakili Rad and Azadi), the court stated the following: “The evidence shows that Sheikattar, who had served for ten years as director of the Satellite Office of the Ministry of Telecommunications, had taken steps in the early stages of the stratagem to arrange for the entry of

Vakili and Azadi into France within the framework of a criminal undertaking. (...) In addition, examination of the records of phone calls made from Edipsoy's apartment to Iran indicate that these calls were registered by the Iranian Ministry of Communication on 11, 12, 13, 14, and 15 August" (p. 1.601/1.651 of file 209).

Massoud Hendi was the party that intervened with French consular officials to obtain authorization for the assassins' entry visas. The French court stated as follows in this regard: "Hendi had made an agreement with his associates.

In a fax sent on 19 June 1991 to the French embassy, there was no mention of the commercial nature of the mission, whereas all other visa applications were required to specify the reason for their visit to France (...) According to Abdou and Girard, this practice was unusual; it also genuinely took the heads of Syfax by surprise, since no mention had ever been made of the two Iranians purchasing electronic components from Syfax.

In June and July of 1991, Hendi had at his disposal a work infrastructure in the IRIB (Broadcasting of Islamic Republic of Iran) and also had the wherewithal to communicate with Iran's political leaders. According to the Department of Territorial Control, the IRIB is regularly used by Iranian information services (...) In addition, it was established that IRIB was contacted from Edipsoy's apartment.

It also appears to be the case that as from mid June of 1991, Sheihattar and Hendi in Iran and at the same time Boyerhamadi in France had worked together with a view to obtaining entry visas into France for the two asssassins" (p. 1.601/1.651 of file 209).

The French court's ruling also discusses the accomplices who helped the perpetrators to flee: "The evidence in the case shows that Sarhadi and Gahasminejad had jointly and by common accord made preparations in Teheran to come to Geneva for the express purpose of assisting Vaktili and Azadi" (p. 1.601/1.651 of file 209).

All of this shows that various influential persons with close ties to the Iranian government were in collusion, and that their concrete support helped promote the success of the operation. These are important details that should by no means be disregarded.

It would be illogical to posit that all of the interrelationships described above were the result of mere happenstance. Hence, once again, we would like to underscore the coordination that agencies of the Iranian government undertook in connection with this event. This is patently clear from the following: "A comparison of the issuance dates of the various passports that the Iranian government issued to Azadi and Vakili Rad reveals that on the previous 29th of May, Azadi had been issued passport no. 4067944 under the name of Norian, while Vakili had been issued passport no. 4067942. At this stage of the analysis of the investigation, it may appear strange, to say the least, that a government official had issued two passports to two individuals, one of whom (Azadi) was already the holder of a first passport under this latter name. This comparison indicates that the

Iranian government made it easy for Azadi to be the holder of two passports under two different names, while he benefited from the recommendation of Sheikattar, a well placed senior official in the Iranian government." (p. 1.658/1.877 of file 209).

After having carefully analyzed the situation of each of the suspects in the crime, French authorities began investigating the motive for the killing. From the outset of this investigation, it was clear that the assassination was carried out for strictly political reasons. The French authorities stated as follows: "In reality, it is clear that the activities realized by Mr. Bakthiar in Iran prior to his exile and those that he realized in France were the reason for his assassination" (p. 1.658/1.877 of file 209). Hence "Mr. Bakthiar and his bodyguard were killed for terrorists reasons that consisted of using terror as an example aimed at intimidating exiled Iranian opposition forces, as well as the authorities of the host country that was providing the victims with protection" (p. 1.601/1.651 of file 209).

Cognate with these findings, the French authorities also found that key elements of the Iranian government were involved in the crime, stating that the fact that "the services of this ministry[12] were involved in the operations of a group of criminals constitutes one of the key lessons that we should learn from the analysis of the activities realized by Ghasmi Nejad and Sarhadi (p. 1.658/1.877 of file 209).

Hence the analysis of the cases of Sheikhattar, Hendi, Shoorideh, Ghasmi Nehad and Sarhadi shows that these interrelationships for criminal ends were established in accordance with a tripartite structure: the Ministry of Telecommunications, IRIB, and the Foreign Ministry" (p. 1.845), and concludes by saying: "It can be safely concluded that certain members of the Iranian security

[12] i.e. the Ministry of the Exterior

service, including its head Falahiyan, were mentioned as being Hendi's contact...were part of the Istambul structure.

This element means that Iran's information service did in fact participate in the activities of the group of criminals" (p. 1.658/1.877 of file 209).

This was the exact and blunt conclusion that the Paris judges reached. This conclusion is fully consistent with the thesis we advance here concerning Iranian sponsorship of illegal activities, and also sheds considerable light on the background to the event under investigation here.

b.3) Mykonos.

On 17 September 1992 Dr. Sadegh Sharafkandi, secretary general of the Iranian Democratic party of Kurdistan, and three of his colleagues – Fattah Abdoli, Homayoun Ardalan and Nouri Dekhord – were machine-gunned to death at Mykonos restaurant in Berlin, where they had gone after attending a congress of the International Socialist movement. Dr. Sharafkandi was shot 12 times, mainly in the head, heck, abdomen, lungs, back, and kidneys, killing him instantly. Ardalan was shot three times in the chest, and once in the head. Abdoli was shot four times by a machine gun. One of the bullets struck his heart, killing him instantly. Dehkordi was hit by four bullets but did not die immediately. He was brought to Steglitz hospital, where he died at 12.25 a.m. on 18 September 1992, from internal and external bleeding.

The ruling by the Superior Regional Court of Berlin constitutes a vitally important piece of evidence. It merits this description by virtue of the fact that it clearly showed the modus operandi of the attack, in terms of its logistics and operational dimensions. In particular the court's ruling

describes in detail the process used by the then-Iranian government starting from the activation of the sleeper cells, gathering the required information, making the relevant decisions, and ultimately carrying out the operation. At the same time, the court's decision provides an accurate description of the existing relationships between Hezbollah and the Iranian government, and then, in keeping with the verdict, concludes that the highest authorities in the Iranian government were the main parties responsible for the attack.

It should be added in this regard that the marked similarity between the decision, preparation, and implementation of this attack and the attack on AMIA indicates without a doubt that we are in the presence of the exact same terrorist methodology. A series of verbatim passages that will be presented below from the court's decision support this assertion.

Before providing these transcriptions, it is necessary to discuss the testimony of Abolghasem Mesbahi, which was of major relevance not only in terms of the event being analyzed here, but also in connection with the AMIA attack.

According to the ruling that was handed down in the Mykonos case, Mesbahi maintained ties with the Ayatollah Khomeini movement for a period 12 years. In February 1979, only two days before the Revolution came to power and when Mesbahi was 21, Khomeini appointed him as commander of Dschamschidieh, a military installation and internment camp with 800 prisoners.

Mesbahi was a student at the Sorbonne in Paris from July 1979 until January 1980, during which time he worked actively to export the Iranian revolution, devoting himself to espionage and gathering information concerning the regime's enemies.

In 1981 he received a "certified official appointment" as an employee in the office of prime minister Moussawi. His immediate superior was Khosrow Tehrani, who had ties to the security service and the security community. He had an identity card bearing the number 1163 and his undercover name, Reza Abdollahi.

In late 1983 he was promoted to the position of head of the French office of the Iranian security service. In December of that year, the French government expelled Mesbahi on the grounds that his presence was a threat to national security.

In early 1984, Mesbahi became coordinator of all offices of the Iranian security service in Western Europe. In this capacity, he carried a blue service passport and traveled as an Iranian diplomat.

In September and October of 1985, Vevak (the Iranian security service) was created and Mesbahi was a member of the committee that founded it. In the following year, owing to his disagreement with the ideological and operational turn the organization had taken, he severed his ties with Vevak and went to work for Djavad Larijani, who at the time was head of the Foreign Ministry's Office of International and Policy Studies. In this new job, Mesbahi reinvented himself as Larijani's deputy. In August 1986, Larijani was named deputy foreign minister, leaving Mesbahi to replace him and with the authority to handle Iran's dealings at the UN.

In March 1987, Ali Rafsanjani (who at the time was president of the Iranian parliament) asked Mesbahi to conduct secret diplomacy to resolve the various conflicts between Iran and the U.S. and some European countries. His brief was to conduct negotiations with a view to solving the problem of the European hostages and promoting Iranian interests.

In carrying out this mission, Mesbahi devoted himself to freeing Rudolph Cordes, a German citizen who was being held hostage in Lebanon. After this, U.S. officials asked him to handle the negotiations concerning the U.S. hostages as well.

Mesbahi admitted having told his Western interlocutors during these negotiations that Iran was the real dominant force, whereas the Lebanese (who were physically holding the hostages) were mere helpers.

This critical stance on Mesbahi's part toward the government of Iranian – a state he regarded as having instigated the hostage situation – was evident in November 1988, resulting in his being accused in Iran of treason. After being detained for 120 days, Mesbahi was placed under house arrest. This ended in March 1989, at which time he was permanently banned from holding public office in Iran.

This prohibition prompted Mesbahi to devote himself to activities in the private sector, where he founded two companies, Aftab Beynolmelal, as well as a motor oil company Sare Oil Company.

Mesbahi admitted that despite the express prohibition that had been imposed on him, he kept in contact and remained friends with agents of the Iranian government – but that these contacts were of an unofficial nature. For example, he maintained ties with Adeli, Nourbakhsh and Rohani. He also maintained friendly contacts with senior Vevak officials, and particularly with its deputy minister Eslami and various directors.

Mesbahi's unofficial activity was monitored by Vevak agents. On 19 March 1996, Mesbahi's personal friend Said Eslami, the deputy minister of the intelligence organization, told him that the

Committee for Special Operations had decided to kill him. This prompted Mesbahi to flee the country, which he exited via Kuwait, arriving in the first city in Pakistani territory in 18 April 1996.

Having summarized Mesbahi's personal background, it is now necessary to undertake a validation of a general nature with a view to explaining why Mesbahi's statements were taken into consideration in connection with submission of requests for the capture of the relevant suspects.

Firstly, the activities realized by Mesbahi reveal that he had very close ties with the highest officials in the Iranian security service. This put him in an optimal position to make authoritative statements concerning the modus operandi of Iran's intelligence organization. It should also be noted that Mesbahi was one of the founders of Vevak, where he was entrusted with high level tasks and sensitive responsibilities, and was thus intimately familiar with the manner in which Vevak was structured and functioned. Thus the high position he held in Vevak allowed him to access a certain type of sensitive and secret information, particularly information concerning the attack related decision by the most senior officials in the Iranian government, as well as everything related to the logistical implementation and material execution of a terrorist attack, subjects on which he spoke with authority. It should also be added that Mesbahi severed his ties with Vevak in March 1996 when he fled the country. This means he had extensive knowledge of Vevak's activities during the period that is of interest here, namely 1993-94, and was thus in a position to provide useful information in this regard.

Likewise of interest here is the validation of the witness by the Superior Court of Berlin, which stated that (a) in his testimony Mesbahi described the manner in which he had obtained the information that he provided in his statements; (b) he differentiated between what he knew

personally and what he had been told by third parties; and (c) they ultimately accepted without qualms that Mesbahi had no information at all on certain subjects. And finally, the German judges mentioned the fact that Mesbahi identified his sources, indicating the documents concerned, and insofar as possible the persons involved as well, providing that such revelations didn't put him at risk. The witness undoubtedly exhibited this same attitude in his testimony in connection with the present investigation. This was pointed out by the *Tribunal Oral en lo Criminal Federal No. 3* in handing down a ruling in the AMIA case: "Mesbahi's statements to the court were precise, to the point, and did not contain any holes or contradictions."

However, it did not escape our attention that the Iranian government, which was aware of the detailed information that Mesbahi was providing, sent the German authorities in charge of investigating the assassination at the Mykonos restaurant a document containing background information concerning Mesbahi for the express purpose of discrediting him morally as a witness. The document denied that Mesbahi had any ties to the Iranian government, stating that the Iranian government had information concerning alleged illegal activities by Mesbahi in Iran. In verifying the facts of the case, the German court found out that the information concerning Mesbahi in the aforementioned document had been manipulated and was erroneous, leading the court to conclude that the whole action had been the result of an effort on the part of the Iranian government to slander the witness with a view to discrediting his statements.

In view of this conclusion, and for obvious reasons, the Iranian ploy was not reiterated in the present investigation, although a copy of the Iranian document concerning Mesbahi is included in file 204.

It should be mentioned that this technique was conceived for the sole and vain purpose of discrediting the testimony of a witness who was extremely well qualified to give testimony in the case, not only because of the quality of the information involved, but also for its proven authenticity.

It should furthermore be mentioned that Mesbahi had been selected by the Iranian government to serve as "leader" of an operational group whose mission was to assassinate the London based Iranian defector Hadi Khorsandi. The operation had to be aborted owing to the fact that Mesbahi had secretly passed certain vital information to the operative at Scotland Yard and the plan was foiled. This information comes from testimony by Abolhassan Bani Sadr (p. 737/750 of file 209).

Be this as it may, the key aspect of this situation is that it underscores that Mesbahi was well placed to become intimately familiar with all of the mechanisms and steps that were realized for this type of terrorist operation, by virtue of the activities that he undertook while working for the Iranian government. This also shows that the Mesbahi is no opportunist, nor was he inventing anything. To the contrary: his background reflects his competency to testify concerning all of the important dimensions of the investigation.

Finally, we would also like to point out that Abolghasem Mesbahi had no personal agenda that would have affected his willingness to testify; nor is there anything dubious and/or premeditated about his statements. It is also noteworthy that Mesbahi testified at *Tribunal Oral en lo Criminal Federal No. 3* in the presence of the judges and all parties to the proceeding, who freely availed themselves of the opportunity to question him, analyze his responses, and confront him with his own previous statements. During these interrogations, Mesbahi continued making his statements in

a calm and precise manner, provided what he felt were appropriate explanations, and spoke extemporaneously when he felt that a question merited it.[13]

Therefore, we are convinced of the veracity of Mesbahi's testimony, which was given with complete freedom. His statements also correlate with the real world information that Mesbahi was familiar with, and are corroborated by and consistent with the remainder of the evidence that was analyzed.

Before returning to the similarities between this event and the AMIA attack, a word needs to be said about the matters considered by the Superior Court of Berlin concerning the logistics deployed with a view to deciding to commit the attack. The court stated as follows: "The first measures that gave rise to the subsequent decision to commit murder were taken by Ali Fallahijan in his capacity as minister of Vevak, which gathered information concerning clandestine opposition groups, as well as political parties and persons both inside and outside Iran. Fallahijan entrusted Mohammed Hadi Hadavi Moghadam with the task of obtaining updated information concerning the Democratic Party of Kurdistan, particularly concerning its leaders, and also asked Moghadam to elaborate possible solutions. Moghadam (...) was director of a company called Samsan Kala, which was an undercover Vevak company, and in his capacity as businessman, Moghadam could travel freely outside of Iran without attracting attention.

He was able to successfully accomplish the task that had been assigned to him by virtue of the fact that Berlin had been selected as the location for the International Socialist Congress that was held from 15-17 September 1992. (...) Moghadam went to Germany in the spring of 1991 to activate intelligence sources there within the Kurdish opposition, and to gather information. He then

[13] Translator's note: It's not totally clear what's meant here (isn't all testimony extemporaneous?).

reported this information to Fallahijan and gave him his proposed solutions" (p. 31/32 of the ruling in the Mykonos case handed down by the Superior Court of Berlin and included in file 204).

The aforementioned ruling also contains a concrete and specific reference to the decision to carry out the AMIA attack: "Fallahijan presented the results of his investigation to the Committee for Special Operations, which was the sole instance that had the authority to make decisions on security matters of major importance. These decisions exceeded the competency of various domains, and owing to their relevance, could not be discussed in the official National Security Council. (...) Formation of this committee was the outgrowth of the 'sovereignty of the men of law.' It was not part of the constitution and in fact was at a higher level than the government and parliament. Its members were as follows: the president of Iran; the minister of the Iranian security service Vevak; the foreign minister; representatives of the security apparatus and other organizations; and finally the 'Leader of the Revolution' (...) The decisions adopted by the Committee for Special Operations involved the execution of operations, especially abroad (...) Operations that the committee decided to carry out were regularly entrusted to the committee member that was implicated in the aim of the operation and was most suitable for its realization.

This member in turn entrusted the actual realization of the attack to a designated group leader, who had experience with the struggle, was skilled and trained, and who selected his people for an 'attack group.' And these were the individuals who had the authority to make the final decision to carry out the attack..." (p. 32/33 of the aforementioned file).

The court then continued with its description of the attack by describing the so called "attack group" as follows: "Sometime around 7 September 1992 the so called 'attack group' arrived in

Berlin from Iran, having been designated by Fallahijan. This commando group was headed by Abdolraham Banihashemi, who went by the name of Sharif during the operation, but whose participants knew him under this name only. Sharif had been a Vevak operative in Lebanon, where he had received training that can be described as guerilla training. (...) The head of the group, Sharif, was the person who was in fact in charge of the operation and of deciding which of the plans and measures that had been prepared the group would actually adopt, and whether the group considered it necessary to undertake further measures" (p. 39/40 of the aforementioned ruling). The ruling then goes on to discuss the mechanism of the operation: "The division of labor between the local forces and the 'attack group', between the logistics and the actual realization of the act, were part of the general concept of the operation. This concept was used for various purposes. On one hand, the local forces were supposed to make as much progress as possible with the plans and preparatory steps, with a view to ensuring that the attack group had ideal conditions to carry out the attack successfully, and in so doing supported the group personally and materially. On the other hand, the division of labor was indispensable so as to prevent the 'attack group' from having to expose itself either by staying at local hotels or through involvement in the process of obtaining resources for the attack.

This guaranteed the members of the attack group anonymity and it also ensured that these individuals would have no contact of any kind with foreign representatives of Iran in the operational zone (...) The various work domains complemented each other and were interdependent. The success of the undertaking depended on joint action that was devoid of any friction" (p. 40/41 of the ruling mentioned above).

The German court then went on to consider the so called "safe house." The court's designated protagonist in this case was a certain Darabi, who had been living in Germany since 1980, was a member of Pasdaran, and was a freelance Iranian security service operative. Darabi kept in close contact with individuals that worked for the Iranian embassy in Germany. He organized political events, propagated the objectives of the Islamic revolution, and investigated the political loyalty of people from Iran. Darabi was a member of the association of Iranian students in Europe (UISA) and was also a member of the local branch in Berlin. Now that we have introduced the character, let us return to the matter of the safe house. The German court stated as follows: "While preparations for the attack were in progress, on 11-12 December 1992 Darabi received the keys to an apartment at Sentftenberger Ring 7. The apartment was owned by the witness Estiaghi and was located in a 200 unit apartment building in a district near Brandenburg gate, making it a good location for hatching a conspiracy. Estiaghi, who was an Iranian student, had gone to Iran on 28 August 1992 for an extended stay. Before leaving, he asked an acquaintance, the witness Bahram Brendjian, to come by the apartment once in a while to make sure that everything was okay. Darabi was aware of this circumstance because he knew Estiaghi well. Since Darabi was looking for a secret hideaway for the participants in the attack, he approached

Bahram Brendjian and managed to get him to give him the keys to the apartment. This enabled Darabi to provide the other perpetrators of the event with an apartment on Sentfenberer Ring and to keep his own apartment on Detmolder Strasse on the periphery of the activities" (p. 42/43 of the aforementioned ruling).

Following this, in explaining the actions undertaken by the perpetrators following the attack and describing the escape route they used, the German judges formulated the first statement that indisputably links the Iranian government with the realization of the multiple homicide. The court stated as follows: "Sharif left the city by plane after the attack and returned to Iran through Turkey, where he was rewarded for the successful realization of the attack with a Mercedes 230 and was given the opportunity to participate in lucrative business dealings" (p. 55 of the ruling mentioned above). Further on, the court states as follows: "8. Sharif and Mohammed as trusted agents of Vevak (...) The Federal Office for the Protection of the Constitution stated that in early September 1992 Vevak sent a team that belonged to the work domain that was in charge of attacks. This group was known as a 'special operations unit' (amalijat-e wige); it had entered into an agreement with an operative residing in Berlin, had made the relevant inquiries, and had made definitive plans to carry out the attack. Assisted by a Vevak source that was also at the Mykonos restaurant at the time of the attack, the group had been able to determine, prior to the attack, the time of the meeting between the Kurd leaders" (p. 135/136 of the aforementioned ruling).

The verdict also mentions Hezbollah's ties to Iran, stating that Hezbollah is a "political appendage of Iran. Iran created it, finances it, provides it with troops and weapons, and trains its soldiers. It was created by Iran and is basically financed, provided with troops and arms and is trained by Iran.

None of this was realized in a disinterested fashion. Iran uses Hezbollah to spread the Islamic revolution to Lebanon, as well as to fight opponents of the Islamic region through the use of military force" (p. 34 of the ruling mentioned above).

In another passage of the ruling, and again with regard to Hezbollah as well as the legal situation of the suspect Amin, the German court stated as follows: “Like Rhayel, Amin participated in the attack only because, as a member of Hezbollah, he briefly trained in Iran and backed its fundamentalist regime and wanted to help it by destroying its opponents and consolidating its power (...) Amin’s statement concerning what Rhayal said to Haidar in Rheine to the effect that Iran was supporting them and would take responsibility for them, clearly indicates that the participants clearly knew this” (p. 161 of the ruling).

Section D of the ruling is particularly relevant since it discusses the ties between Hezbollah and the participants in the events. The following passage is particularly significant: “...We have noted that Amin and Rhayel were members of Hezbollah and that they received basic training in arms and explosives, a course in tactics at a Pasdaran training center near Rasht in Iran, and religious and ideological education” (p. 165 of the ruling).

The ruling then goes on to discuss the fact that Darabi was a member of Hezbollah and his close ties with Iran, mentioning the following among other things: “Darabi was ordered to leave Germany pursuant to the expulsion decree of 1 June 1992. Other Iranian nationals were expelled in the same manner.

This prompted Iran to intervene at a high level (involving two ministries in the state of Rheinland-Pfalz), by asking if some of the Iranians could remain in Germany until graduation, according to their personal situation and how far they had advanced in their studies. Darabi was one of these

students. The fact that Iran had intervened on Darabi's behalf and that he was granted the right to remain in Germany is noteworthy since according to the aforementioned criteria, there was no reason why Darabi should not have been expelled. "He was single at the time and had not entered college and was only doing a preparatory course for college (...) Darabi remained in Germany because he was prepared to act as an absolute defender of the Islamic revolution so that it could achieve its objectives. Darabi was a member of the Revolutionary Guard" (p. 173/174 of the aforementioned ruling).

The German court summed up Darabi's activities in Germany as follows: "In January 1991, Darabi participated in an agricultural show that is held every year in Berlin called 'green week', where he was a presenter and head of a booth that was promoting Iran (...) In early 1990 the Consul General of Iran asked Darabi to find an impressive building for the consulate's new offices (...) Darabi did not conduct the negotiations in his own name, but instead intimated that he was working for the consulate and (according to the witness Erbas) that he knew important people" (p. 177 of the ruling). "On 8 June 1991, Darabi organized a large scale event to mark the anniversary of the death of Khomeini. The event was held in Stromtrasse in Berlin's Tiergarten district, and was realized in collaboration with Hezbollah" (p. 179 of the ruling). "The witness Haidar Hamadani stated that Darabi helped him to obtain an Iranian passport" (p. 180).

"Darabi played a leadership role in the Association of Islamic Students in Berlin (VIS) and the Association of Islamic Students in Europe (UISA), which was the umbrella organization for 30 student associations. UISA and its member organizations in Europe were transformed into propaganda organizations for the fundamentalist government in Iran after the victory of the Islamic

revolution in 1979 (...) His activities included gathering intelligence, spying on defectors, and taking actions against opponents (...) Consequently UISA and the associations that belonged to it worked closely with extremist Islamic groups, particularly Hezbollah and Iranian government bodies such as the embassy and consulate. UISA was the main organization from which Iran's intelligence service recruited collaborators for propaganda and intelligence activities in Iran (...) When Vevak was founded, UISA became part of the Iranian security service, which proceeded to hand pick the leaders of UISA, who were elected by its members, but this was only a formality" (p. 181/182 of the ruling).

The German judges ultimately reached the following conclusions concerning Darabi's personality and his motives for participating in the attack: "The circumstances that we have described here...show that Darabi was an ardent activist who was ready and willing to work to further the Iranian cause with a view to promoting its interests. For more than 12 years, Darabi demonstrated his political and ideological resilience, his willingness to take action, his organizational acumen and his credibility (...) Thanks to his activities as a businessman, he had the opportunity to conspire and to move about freely without raising suspicion" (p. 189 of the ruling).

We have now discussed at length Darabi's personality and the activities he carried out in Germany with regard to the crime, since his actions have marked similarities to the verified circumstances concerning Mohsen Rabbani's role in the AMIA attack. Hence we can state with certainty that not only did both men carry our similar logistical tasks in the local sphere of operation, but also that the perpetrators of the murder in the Mykonos restaurant – essentially the same persons that orchestrated the AMIA attack – learned from the mistakes that were committed during that attack

and that led to Darabi's capture. In other words, they perfected their methods. They did this by granting Rabbani diplomatic immunity and making him a cultural attache at the Iranian embassy in Buenos Aires a mere four months prior to the attack. This action allowed the perpetrators to hide behind the standards of international law and rule out any possibility of their being apprehended.

We have now seen the following in this case: information was gathered according to a prior plan; this information was analyzed by members of the Committee for Special Operations; they approved the attack on the designated target; the Vevak minister Ali Fallahijan was put in charge of coordinating the operation; Fallahijan delegated to a group leader the task of carrying out the operation; the 'attack group' came to Germany; and specific roles were assigned to each of the suspects. All of these measures match up with those that were taken in connection with the matter under investigation here. These similarities would seem incredible if it weren't for the fact that both attacks had a common source and were carried out in accordance with a modus operandi that is employed by the Iranian government to achieve this type of objective.

In addition to the parallels that have been pointed out with respect to the historical framework of the event, the German court's ruling is significant in that it clearly states that the murders were not committed for personal reasons, but on the contrary were the result of a decision made by the Iranian government with a view to furthering its own interests. The court backs up this conclusion by describing the historical background of the event as follows: "...Since the time of the Islamic revolution, Iran had established itself as a theocracy, asserting that the 'sovereignty of men of law' allows the imperialist system to determine unilaterally the nature of the legal order of things. Any

opposition movement is systematically oppressed and its participants are persecuted..." (p. 315 of the ruling).

However, since the judges were aware of the confusion of political and religious issues that is inherent in a theocracy like Iran, they made an important distinction by saying this: "The Leader of the Revolution, who is also referred to as the religious leader, was created after the Islamic revolution. The Leader of the Revolution is a constitutional entity, but he does not have the supreme authority possessed by the Grand Ayatollah. The Leader of the Revolution exercises a political function. Hence, the order issued by a committee such as the Committee for Special Operations to assassinate a person who had fallen into disgrace has nothing at all to do with religious matters, including when the order is signed by the Leader of the Revolution. Such an order is a political action taken by a government" (p. 316/317 of the ruling).

The court then went on to describe the organizations that Iran used to implement the aforementioned political decision, stating as follows: "The authoritarian organization used Vevak, Pasdaran and Hezbollah to persecute its political enemies (...) Pasdaran was established after the Islamic revolution as a military organization comprising forces from the army, air force and navy. Its members are loyal to Iran's fundamentalist system, and their mission is essentially to fight against opposition forces in the country and to support the Islamic revolution outside the country. One of its activities abroad was the formation of Shiite Hezbollah (the party of God) in Lebanon following the Israeli invasion of 1982. Hezbollah recruited most of its members from the group that split off from the 'party of the dispossessed' (...) In addition, Pasdaran supplied Hezbollah with arms and gave its members military training" (p. 318 of the ruling).

This forceful conclusion characterizes Hezbollah as an ideological, financial and military appendage of Iran. In addition, the ruling culminates in a description of the relationship between the Iranian security service and that AMIA attack. The court based its exposition in particular on the testimony by Mesbahi, whom the court deemed an extremely reliable witness, stating as follows: "...The official report issued on 22 April 1993 (by the Federal Office for the Protection of the Constitution) indicating that members of Iran's security service had been in Berlin looking for details concerning the location of the event, was amplified by Mesbahi via concrete information relating to the event in question. According to this information, Mesbahi found out from an acquaintance named Hadavi Moghadam and from an employee of a fictitious company that was also involved, that Moghadam, using his status of businessman as a cover, had undertaken the initial inquiries, had activated a few sources, and had told Fallahijan his findings and proposed solutions" (p. 321 of the ruling).

The court goes on to say, likewise in connection with the information provided by Mesbahi: "...He reported in detail to the group leader Banihashemi, whom the defendant Amin only knew under the name Sharif, and stated the following: While working for the Iranian security service, he had heard of Banihashemi. The latter had been the head of an operations group that carried out actions abroad and had realized an attack on the pilot Talebi in Geneva on 18 August 1987, and had fled Iran in a Phantom fighter jet (...) According to Mesbahi, during a casual conversation in Teheran, Banihashemi had said 'the affair involving the Kurds in Germany' had occurred under the code name Faryad Borzow Alwi, which had been used to confirm realization of the attack carried out under Fallahijan, who had been head of the group, and from whom he had received an envelope containing (this was not stated but it was clearly implied by Mesbahi) photographs of the victims

and for which Banihashemi was rewarded upon his return to Iran with a Mercedes 230" (p. 321/322 of the ruling).

Finally, the German court drew attention to Iran's attitude following the attack: "...During his visit to Germany, the Iranian intelligence minister Fallahijan, while speaking with minister of state Schmidtbauer, tried to prevent a trial from beginning that was scheduled for 23 October 1993. The witness Mr. Schmidtbauer, whose competencies included being the coordinator of Germany's security services, stated that Fallahijan had repeatedly broached the subject of the upcoming trial, had intimated that the defendants were innocent, and had objected that Iran was being unjustly accused, and asked Germany to take measures to stop the proceedings.

In making this request – which was categorically denied – Fallahijan mentioned Iran's previous assistance, namely the influence that Iran had exercised on the Hammadi clan in Lebanon to liberate the German hostages there. Fallahijan offered to do everything necessary to investigate the attack. However, nothing came of this" (p. 351/352 of the ruling).

The conclusion concerning all of this is stated and validated in item VI of the decision, which states as follows: "All that we have said above clearly shows that the attack on DPK-I headquarters (which was under the leadership of Dr. Sharafkandi) was not realized by individual persons, nor was it motivated by a difference of opinion between various opposition groups. The attack was realized by the heads of state of Iran (...) Like the group that was under the command of Banihashemi, the defendants cannot possibly have masterminded the attack (...) Nor was the attack the result of conflicts within DPK-I or with other opposition Kurd groups (...) The evidence presented during the proceedings shows that Iran's political leaders not only advocate terrorist

attacks abroad – and clearly seem to hold their perpetrators in high esteem – but also organize such attacks themselves..." (p. 357/358 of the ruling).

As co-perpetrators, the defendants Rhayel and Darabi were found guilty on four counts of premeditated first degree murder pursuant to paragraphs 25(2)(52) and 211 of the German penal code. Amin and Atris were found guilty as accomplices (paragraph 26(1) of the German penal code) to the four murders. Ayad was acquitted on the grounds that there was insufficient evidence to convict him as an accomplice to a homicide or attempted murder (for having participated in an assassination conspiracy).

Having completed our analysis of the present case, whose similarities to the case we are investigating have been pointed out in the present section of this report, all that remains to be said is that the revelations yielded by this investigation have been extremely instructive.

b.4) Bombing of the Alas Chiricanas flight over Panama

On 19 July 1994 at 2.45 p.m., a two-engine Embraer EMB-110-P1 aircraft flown by Alas Chiricanas exploded in the air on its way from Colon to Panama City, killing 21 persons.

The investigation by the Civil Aeronautics Agency of the government of Panama, aided by the FAA (the U.S. Federal Aviation Administration), concluded that no mechanical failure or pilot error had occurred, and thus these causes of the accident were completely ruled out. At the same time, the explosives investigation unit of the Panamanian forensic police, along with the security council of Panama, identified the physical signs of an explosion inside the aircraft, primarily in the second seat on the right side.

The explosion blew a hole in the fuselage and impacted the right engine, literally splitting the cabin in two.

Initial suspicions fell on a Lebanese national identified as Lya Jamal. The fact that he was seated at the exact place where the bomb exploded, plus the state of his body, indicated that he had had direct contact with the bomb. In addition, it was found that he was carrying false passports.

In attempting to determine the motive for the attack, Panamanian authorities advanced two hypotheses. The first linked the explosion to a settling of accounts between drug traffickers, whereas the second theorized that the bombing was meant to be a terrorist attack against the Jewish people. Regardless of what the motive for the bombing might have been, the case is of interest, particularly since the attack occurred on the day following the AMIA bombing, and like that attack and in the same communiqué, a group calling itself Ansar Allah claimed responsibility for the attack. This group (as we shall see) turned out to be nonexistent and was in fact a name invented by Hezbollah as a way to claim responsibility for its attacks outside of the combat zone.

This assessment is anything but absurd, since the attack adhered to the exact same patterns as that used by Islamic terrorists to commit acts of this type. These patterns include the presence of a suicide, the use of fake passports, the use of explosives, and a Jewish target, which in this case was reflected by the number of Jewish victims that were on the flight.

Another striking circumstance is that one of the numbers (13428) on the fake passports used by Lya Jamal was the same as that of a person named Mona Tufayli, a circumstance that led directly to Sheik Subhi Tufayli, who at the time was reputed to be a senior member of Hezbollah.

The detailed evidence concerning this attack indicates that it was related to the AMIA bombing, by virtue of the various parallels that were observed between the two episodes, namely the following: the temporal proximity; the presence of a suicide; claiming responsibility in the same fashion and for the same kind of event and by the same organization; and a Jewish target for the operation. These similarities clearly point to an equivalency between the bombing of the Panamanian plane and the AMIA attack. This leads to the conclusion that a similar behavior pattern is at work, which in turn forms the basis for inferring that both actions very easily could have been planned and orchestrated by the same entity.

b.5) Attack in the Gaza Strip

On 9 April 1995, Alisa Michelle Flatow, a 20 year old enrolled in a program for foreign students in Israel, was on her way with two friends from Ashkelon to a Mediterranean tourist resort in Gush Katia.

Around 12.05 p.m., near Kfar Darom in the Gaza Strip, a suicide bomber driving a truck loaded with explosives rammed into bus no. 36 in which Flatow was a passenger, destroying the bus. As a result of the explosion a piece of metal entered Flatow's head and lodged in her brain, causing a serious lesion.

She was brought to the emergency room at Soroka hospital in Bersheva, where she died on 10 April.

As a result of this attack, Alisa's father, Stephen Flatow, filed a civil suit in District of Columbia court against the Republic of Iran, Iran's Ministry of Intelligence, Ayatollah Ali Hoseini Khamenei,

Ali Akbar Hashemi-Rafsandjani and Ali Fallahijan-Khuzestani for funeral costs, loss of earnings for the victim, the pain and suffering of her family, and for punitive damages on the grounds that the aforementioned parties were responsible for the attack that killed his daughter.

After assessing the case carefully, the court came to the conclusion that they had jurisdiction over the matter and ruled that Mr. Flatow had proved his case.

The relevant point here is that the U.S. court accepted as proven that Iran sponsors terrorist activities, stating the following in this regard: "12. The Shaqaqi faction of the Palestinian Jihad movement claimed responsibility for the attack and for having perpetrated the terrorist act that caused the death of Alisa Michelle Flatow. (...) Its only aim is to conduct terrorist activities in the Gaza region and its only source of financial support is the Islamic Republic of Iran (...) 15. The defendant, the Islamic Republic of Iran, is a foreign state and has been designated as a state that sponsors terrorism pursuant to section 6 (j) of the Export Administration Act of 1979 (U.S.C. 50 App. & 2405 (i) as amended on 19 January 1984).

The defendant provided material and resources to the Islamic Palestinian Jihad movement by means of funds and by promoting terrorist activities of the Shaqaqi faction in the Gaza region (...) 17. The defendant, the Iranian Ministry of Intelligence, is the Iranian intelligence service that acts within and outside the territory of Iran. In its capacity as an agent of the Islamic Republic of Iran, Iran's Ministry of Intelligence realized acts within the limits of its agency (...) that caused the death of Alisa Michelle Flatow. Specifically, the Iranian Ministry of Intelligence acted as a conduit between the Islamic Republic of Iran and the Shaqaqi faction in order to supply it with the funds and training necessary to carry out its terrorist activities in the Gaza region. (...) 21. (...) The

defendants: The Islamic Republic of Iran and Iran's Ministry of Intelligence, in its capacity as agents of the Islamic Republic of Iran; and the following Iranian officials: Ayatollah Ali Hoseini Khamenei, former president Ali Akbar Hashemi-Rafsanjani, and former minister Ali Fallahijan-Khuzestani, in their capacity as government officials, conspired by supplying support material and resources to the Shaqaqi faction of the Palestinian Islamic Jihad movement, which is a terrorist organization (in accordance with U.S.C. 28 * 1605 (a)(7) and U.S.C.A 28*1605) that caused the death of Alisa Michelle Flatow. 22. The death of Alisa Michelle Flatow was caused by an intentional and premeditated act of wrongful death since the explosion was caused by a bomb that was intentionally directed at a bus by a member of the Shaqaqi faction of the Palestinian Islamic Jihad movement that was acting under the direction of the defendants, namely the Islamic Republic of Iran, the Iranian Ministry of Intelligence, Ayatollah Ali Hosseini Khamenei, Ali Akbar Hashemi Rafsanjani and Ali Fallahijan-Khuzestani (p. 296bis/355 of file 263).

The ruling concluded as follows: "The plaintiff has established to the satisfaction of the court that, in accordance with U.S.C. 28 * 1608 (e) and with clear and convincing evidence, that the defendants the Islamic Republic of Iran, the Iranian Ministry of Intelligence, Ayatollah Ali Hosseini Khamenei, Ali Akbar Hashemi Rafsanjani and Ali Fallahijan-Khuzestani are jointly responsible for all of the damages awarded by this court to the plaintiff Stephen M. Flatow, in his capacity as executor of the estate of Alisa Michelle Flatow, and on behalf of the legal hereditary rights of the victim, for having provided material and resources to a terrorist group that caused the wrongful death of Alisa Michelle Flatow" (p. 296 bis/355 of file 263).

Although this decision was handed down by a civil court, the ruling that the Islamic Republic of Iran and its highest officials were liable for damages to the Flatow family for the death of their daughter is worthy of mention. The verdict presents various concepts in a clear manner. In the first place, it indicates that the Palestinian Jihad movement was responsible for the attack that caused the death of Alisa Flatow and that this group is supported financially, logistically and ideologically by Iran. Secondly, the ruling characterizes Iran as a state that sponsors terrorism, pointing out (it should be noted) that Iran has merited this description without interruption since 1984. And thirdly, the ruling goes into greater detail concerning the ties of the defendant country, stating that the Islamic Republic of Iran supports the Palestinian Jihad movement through the Ministry of Intelligence.

b.6) Murder of Reza Mazlouman.

On 28 May 1996 at about 1 p.m., Ms. Sordeau de Beauregard discovered the body of Reza Mazlouman in an apartment located at 1 allée Pujet in Creteil, France. The victim had been assassinated by gunfire. Two bullets struck the victim near his heart and the third hit him just below his right eye.

Reza Mazlouman had served as Iran's deputy minister of education under the Shah. He was a fervent opponent of the Islamic regime and was editor in chief, in France, of a newspaper called *Payam Ma Azaldelan*, which was distributed in Europe by subscription.

The police, who arrived on the scene 20 minutes after the body was discovered, found that the doors to the building showed no sign of forced entry.

According to the testimony of Sordeau de Beauregard, on the day before the killing a certain Djeyhouni, who was known to the victim, and a nephew of the victim named Mezhari, asked Mazlouman to put them up for the night. That night at around 10 p.m., the victim's neighbors heard three shots from the victim's apartment and immediately thereafter the sound of two persons running down the stairs.

On the basis of the information provided by Ms. Beauregard, the French investigators were able to find Mazlouman's visitor, who was identified as Ahmad Jayhooni, who was living in Meckenheim, Germany, where he ran a video rental store. Mr. Jayhooni was taken into custody in Germany and was extradited to France.

The investigators accepted as proven the allegation that Jayhooni had ties to the Iranian intelligence service, that he had come to the victim's apartment along with another person, and in this way was able to carry out the order to murder the victim. Jayhooni was sentenced to 17 years in prison for the killing.

In explaining the grounds for the sentence, the French court directed its accusations at the Iranian regime, stating as follows: "The assassination of Reza Mazlouman was thus the consequence of a strong wish that was supported by a solid organization (...) The murder was a terrorist act, in that it resulted in a serious disturbance of public order, and undoubtedly as well because it was realized against the backdrop of threats, inasmuch as this crime constituted an act of intimidation directed at the other opponents of the regime.

In its context, this crime was part of a climate of terror that weighed on the community of Iranians that were opposed to the Iranian regime, forcing those of its members that wished to continue their political or simply intellectual struggle, to take substantial security precautions.

Thus each act of intimidation or terror carries within it the seed of destabilization in a democratic society where the protection of freedom of speech constitutes a fundamental priority in terms of maintaining public order" (p. 1.209/1.350 of file 209).

In point of fact, the relationship between Jayhooni and Iran's security service constitutes the central issue in this matter. With regard to Jayhooni's association with Vevak, the ruling stated as follows: "The German agencies that were queried responded on 8 March 1994 that in 1992 Jayhooni was in contact with Morteza Gholami, who was a member of the intelligence service and an employee at the Iranian embassy in Bonn.

In 1994 Jayhooni received a visit at his discotheque [video rental store is meant] from another Iranian intelligence operative by the name of Ali Oussouli, who had replaced Mr. Gholami. A meeting was held with employees of the Iranian embassy" (p. 1.209/1.350 of file 209). Manoucher Ganji, who was Mazlouman's former boss, had accused Jayhooni of being an Iranian agent. Abolhassan Bani Sadr and Abolghasem Mesbahi had confirmed this information (see in this regard the description by French authorities concerning the covert activities of Ahmad Jayhooni, p. 1.209/1.350 of file 209). Hence this is yet another example of the illicit activity that was being conducted abroad at the time by the government of Iran.

We would like to point out one other aspect that all of these episodes had in common and that supports the conclusions that we have reached. We have analyzed attacks on political activists who are opposed to the Iranian regime, as well as terrorist operations of a shocking nature, perpetrated by detonating explosives directed at innocent bystanders, and at targets whose only common denominator is the direct connection these targets have with Israeli interests. Such events – which show unmistakable signs of having been based on a preconceived idea and a rigorous modus operandi – reflect the fact that the individuals who were in power in Iran at the time resorted to the use of terrorist methods as a valid foreign policy tool in support of their interests.

c) Other attacks linked to Iran

The officials that carried out the investigations of the events described below (unlike what happened with the events described above) did not level a direct accusation at the Iranian government.

This fact notwithstanding, and inasmuch as it has been determined that all of the events described in the present report are similar to the AMIA attack in some respects, we have decided to include these events in this separate section, if only because the analysis of these events supports the concept of "matrix" described below, which will be discussed in detail in the next section.

c.1) Aborted attack on the Israeli embassy in Bangkok

On 11 March 1994 at approximately 9 a.m., a motorcycle taxi driven by Boonserm Saendi was struck by a truck that was coming out of the parking lot of the Chidlom branch of Central department store in Bangkok, Thailand.

Despite having collided with the motorcycle, the truck continued on its way but was stopped 15-20 meters further on by two motorcyclists who had witnessed the collision. One of the motorcyclists approached the driver of the truck, objecting to the latter's action, whereupon without saying a word the driver offered the motorcyclist three greenish foreign currency notes. The motorcyclist declined the offer and the truck driver had no choice but to get out of the truck. As the driver was walking toward the rear of the vehicle, he came face to face with Boonserm Saendi, who asked the driver to go back to the spot where the accident had occurred. When they got there, the truck driver – who spoke a foreign language – made gestures indicating that he needed to make a phone call. Following this, he left the scene of the accident, never to return.

The victim filed a complaint concerning the accident, and as a result the truck, which was a rented vehicle, was deposited in front of the Lumpini police station. The owner of the truck was in the process of removing it from the police station when he noticed certain changes that had been made in the vehicle. The owner noticed that a filtering film had been added on the driver's side, that two posts had been removed from the platform, and that a spring had been attached that allowed the truck to support more than one ton of weight. An examination of the truck revealed the presence of a tank containing water, two containers of oil, a battery, and a leather bag with Arabic lettering on it. The owner of the truck emphatically denied that these items were his property, prompting the Thai police to force the lock on the tank of water, which was found to be full of white granular objects that looked like fertilizer. Immediately after the tank was opened, it began giving off a diesel odor mixed with a rotten smell.

The police then found, at a depth of 30 centimeters, various wires connected around an object. They then found three metal tubes containing C4 explosive along with two detonators for each tube and two bottles that were also filled with said explosive. All of this was connected to a circuit that exited through the handle of the tank and led into the truck's cabin, ending in a switch located below the driver's seat. It was found that the granular objects were uric fertilizer (approximately 1000 kg) mixed with diesel, and that the C4 explosive was the equivalent of nitrate. Combined in this manner, these elements had the capacity to produce a large scale explosion. Finally, the body of the driver that was employed by the owner of the truck was found inside the water tank. The driver had been strangled to death.

Another important detail is worthy of mention, namely the location of the collision, which was some 240 meters away from the Israeli embassy in Bangkok.

The ruling handed down by Thailand's supreme court (p. 103/117 of file 206) limited itself to an analysis of the personal and legal situation of the defendant (who was an Iranian national and was ultimately acquitted), without delving into a more general validation concerning the possible implication of terrorist organizations in the incident. However, it is anything but absurd to claim that terrorist organizations were involved, since the indictment by the prosecutor in the case asserts that the defendant (who was identified as Mr. S) was a member of an extremist Islamic group composed of persons whose procedures were secret and whose goal was to carry out acts of terrorism and sabotage, inflict harm on prominent persons and inflict damage on prominent places in various countries, including Thailand, through the illegal use of powerful explosives (p. 103 of file 206). The prosecutor stated that he had obtained a photograph of the defendant from the

National Intelligence Department or the Department of the National Security Council (p. 104 of file 206).

One could perhaps object that this episode is not germane to the present section since the defendant was acquitted and the court's ruling does not indicate that the action was perperated by Iran. However, this incident has not been added capriciously – to the contrary. It has been included for the following telling reasons: the manner in which the attack was prepared and attempted reveal clear parallels with the attack that destroyed AMIA.

In addition, the ruling by Thailand's supreme court states that from the beginning of the investigation, the investigators set out to prove that the aborted attack was planned and carried out by an extremist Islamic group, and that the Thai intelligence service reached the conclusion that two Iranian nationals were the prime suspects in the case. These circumstances are of great interest in terms of the material presented in the present section, which is why the incident has been included here.

In fact, the investigation verified numerous parallels between this aborted attack and the AMIA bombing: its temporal proximity, the use of a car bomb, the fact that the vehicle was parked in a parking lot near the target, use of a suicide bomber, the existence of a safe house, and a Jewish target for the operation.

In the interest of demonstrating as clearly as possible the exact scope and nature of the parallels between the aborted Thai attack and the AMIA bombing, we shall now examine each such connection separately.

– Temporal proximity: Only 35 days separate the Thai incident from the AMIA attack (11 March and 18 July 1994). In addition, the existence of a similar international geopolitical situation at the time of these events has been established; and there were no bilateral relationships between Israel and Iran at the time.

Use of a car bomb: The existence of a car bomb (in this case a truck bomb) emerges clearly from the description of the facts formulated by the competent judicial authority, the Criminal Court of Bangkok. "...At approximately 9 a.m. on 11 March 1994, while Boonserm Saendi was plying his trade as a motorcycle taxi driver, he brought a customer to the Chidlorn branch of a department store known as Central on Chidlom street in the subdistrict of Lumpini and the district of Patumwan in Bangkok. While Mr. Boonserm's motorcycle was parked in the entry/exit zone, a truck (license plate no. 71-7888 Bangkok) exited the underground parking garage, made a left turn into Chidlom street and then collided with Mr. Boonsern's motorcycle" (p. 228/256 of file 206). Another passage of the court's ruling indicates a connection between the truck and the perpetrators of the event: "With regard to the truck with the license plate 71-7888 Bangkok, it was owned by Ms. Linchi Singto-ngam, who normally rented it out. At approximately 8 p.m. on 8 March 1994, two foreigners of Middle East extraction signed a contract for the rental of the aforementioned truck for three days, for purposes of transporting sofas from Sukhapibal street 1 to the province of Chiangmai. The parties agreed on a price of 12,000 baht for the rental (p. 228/256 of the text cited).

– Parking the vehicle in a parking lot near the target: The court stated as follows in this regard: "At 12.30 a.m. on 11 March 1004, a truck that was transporting a square object covered with a tarp entered the underground parking lot of the Chidlom branch of Central department store. At 9 a.m.

on 11 March 1994, said truck exited the parking lot and turned into Chidlom street in the direction of the Chidlom intersection, whereupon it collided with a motorcycle. The driver of the truck fled" (p. 228/256 of file 206).

Clearly, the truck was parked in a garage near the target for reasons of security, i.e. to reduce the risk of an unexpected event, although as it turned out, this measure did not rule out the unexpected. In any case this action (parking the vehicle near the target) was verified in both attacks.

– A suicide bomber: Although this was not stated explicitly in the court's ruling, the circumstances surrounding the case clearly demonstrate that the use of a suicide bomber was necessary for the success of the operation. In this sense, the technical report by the Thai police on the mechanism of the explosive is illuminating (p. 337/340 of file 206); it states as follows: "The perpetrator of the crime made the bomb himself using uric fertilizer combined with diesel to heighten the strength of the explosion. The bomb was placed in a 1600 liter water tank and was combined with 14 detonators and 8.17 pounds of C4 explosive, to propagate the explosion. The 14 detonators were connected to a detonation circuit that integrated a 12 volt/60 amp battery that was in turn connected via wires. Two switches served as current controllers for connecting and disconnecting the circuit. In order for the explosive device to be detonated, the switches would have had to have been in the connected position. Passage of current through the circuit would have exploded the device." In view of the mechanism that was needed in order to produce the explosion of the apparatus, there was no other choice but to activate it from inside the truck, where it was located. Toward this end, the switches needed for the explosion had been placed in the truck's cab.

This leads to an obvious conclusion, namely the presence of a person prepared to die in the act of carrying out the attack (p. 337/340 of file 206).

– Safe house: Despite the resources deployed in the present investigation,

it was not possible to determine the location or locations that were used as a safe house by the perpetrators of the AMIA attack, even though it was one of our missions to make this determination. However, in terms of what is relevant in the present case, the absence of this information did not preclude establishing parallels between the two events, since the evidence in the case clearly shows that the process of installing the explosive material in the Trafic vehicle that exploded in front of AMIA must have occurred in a building that was used as a safe house.

The Thai supreme court decision states as follows concerning the use of a safe house in the aborted Thai bombing: "...On 19 August 1993, two foreigners inquired about renting an apartment at no. 7/176 in the Sinthani Avenue housing project on Sukhaphibal 1 street, in the Klongkun subdistrict, in Beungkum district in Bangkok. On the following day, the two foreigners signed a contract and the rent was fixed at 15,000 baht per month for a period of one year. A 32,000 baht deposit was paid on the day the contract was signed. (...) At approximately 10 a.m. on 8 March 1994, four employees of the Ekachat water tank store sent two tanks that some foreign customers had ordered to house no. 7/176" (p. 228/256 of file 206). “The investigation of the house revealed the presence of 52 objects: the other water tank, a pair of black rubber gloves, bags of fertilizer, an electric soldering device, an iron tool, 28 bags of uric fertilizer, three sets of linens, four towels, a digging spade, an aluminum ladder, a refrigerator, a fan, 9 bowls, and a piece of tarp of the same color and texture as the tarp that Mr. Chom’s body was wrapped in” (p. 228/256 of file 206).

– An Israeli target for the operation: Examination of the map on p. 299 of file 206 (which is an element of the legal documentation submitted by the Thai authorities) shows the close proximity of the location of the collision (which fortuitously prevented the attack) and the Israeli embassy in Bangkok. It is therefore reasonable to assume that the embassy was the intended target of the attack.

The numerous similarities between the Thai incident and the AMIA attack clearly indicate that a similar modus operandi was used to carry out these actions, thus proving once again that the same entity planned and orchestrated both events.

c.2) London, UK

On 26 July 1994, eight days prior to the AMIA attack, a bomb that had been placed in an Audi vehicle exploded in front of the Israeli embassy in London. On the following day, a second bomb exploded at Belfour House in Finchley. This building housed the offices of various Jewish organizations that operated under the name Joint Israel Appeal. These two attacks resulted in severe damage and 18 injuries, but there were no deaths. The attacks were carried out using car bombs, although the drivers were not in the cars when the bombs were detonated.

A group calling itself Jaffa for the Palestinian Resistance claimed responsibility for both attacks by sending identical letters to the London bureaus of the Arabic newspapers *Al-Hayat* and *Al-Quds Al-Arabi*, and to the London office of the PLO. The postmarks on the letters showed that they were sent between 1 and 4 p.m. on 26 July 1994, i.e. before the second bomb was planted. The letters

stated that the "Zionist enemy" had been attacked "in the name of those that have sacrificed their land and blood" and called for continued struggle and resistance.

The entity in charge of British criminal proceedings, in this case the British crown, expressed the view that the attacks were designed to cripple the Israeli-Palestinian peace process, which had made progress following the Oslo accords in 1993, when King Hussein of Jordan and Israeli prime minister Rabin signed a peace accord.

British authorities found the aforementioned letter of attribution to be authentic, and accorded it prime importance, with the result that two individuals of Palestinian origin, Samar Alami and Jawad Botmeh, were found guilty of conspiracy of causing an explosion using explosive substances – an explosion of such magnitude that it could endanger human lives or cause property damage in the UK (p. 19.611).

The defense branded the trial invalid when it emerged that the British intelligence service M15 had received advance warning of the attacks from the Iranian defector Moatamer Manoucher, and had failed to impart this information to the other parties to the legal proceeding.

M15 had discounted this information on the grounds that the witness lacked credibility. Nonetheless, the prediction turned out to be correct, although M15 attributed this to pure happenstance. In any case, the defense's legal maneuver was unsuccessful and the verdicts were upheld.

Despite the court's verdicts, the local press published numerous editorials that cast doubt on whether the two men had really been involved in the crimes, and raised the possibility that Iran had

been involved in the attacks, either directly or thorough the agency of Hezbollah (in this regard see the translations of the relevant articles on pp. 101.901/101.909, 101.913/101.918 and 101.932/102.067).

This view is at odds with that of the British courts, which made no mention of any involvement on the part of a foreign government that had sponsored the group that was convicted of having carried out the attacks.

In addition, in response to a request from Argentina, the Cooperation Unit of the Home Office responded, via Stuart Backley, that "our intelligence services are pleased to state that nothing existed that could have linked the attacks perpetrated in London in July 1994 with the attack in Buenos Aires in that same month" (p. 3.731/3.732 of file 392).

Nonetheless, not all those involved in the trial shared this view. The following concerns expressed during the trial by its chief judge are relevant in this regard:

"The question for all of you is the following: With regard to these three defendants, and almost certainly one or more persons of unknown identity: did they form their own British group that rejected the non-violent policy of the PLO, Fatah, and PFLP and decided to paint the name of Palestine on the mountain again? Or were the defendants a group of Islamic fundamentalists that these defendants had no connection with and that wished to harm Israel and at the same time, discredit the OLP? We need to ponder this" (p. 101.899). In other words, the judge in charge of the trial raised doubts about exactly who had masterminded the attacks. In addition, two members of parliament, the Laborites Lynne Jones and Tony Benn had called the trial "a case of injustice," arguing that "the conspiracy that Botmeth and Alami were accused of could only have been

masterminded by a highly experienced and professional group" (cable from the Argentine embassy in London, no. 12.359/2000, on p. 3.097/3.099 of file 392).

We will now describe parallels with the attack that occurred in Argentina. Apart from the obvious temporal congruence, we should take as our starting point the fact that operations of this scope and sophistication could not have been brought off successfully by "amateurs," since coordination of such activities require substantial human and financial resources, and large scale logistics and intelligence.

The logistics were implemented in both attacks in a very similar way. In addition to the proven use of a car bomb and explosive devices, another telling resemblance is the presence of an Iranian intelligence operative in the vicinity of the Israeli embassy ten days prior to the attack. This agent, who a witness identified as Mohammed Hussein Rhamanian, left Britain the day after the attack. In addition to the parallels already cited, there is also the that fact that both targets were Jewish in nature (the Israeli embassy and Israel Joint Appeal) both of which were in London.

Against this backdrop, it must also be said at this point that it was not possible to take the analysis of the present case any further owing to a lack of the information that would have enabled us to learn the facts of the matter in detail. This lack of information was attributable to the fact that the British authorities limited their cooperation to providing the names of the defendants and the nature of the tasks they undertook, on the grounds that there was no connection between the two attacks.

c.3) The Khobar Towers bombing

At around 10.50 p.m. on 25 June 1996, a bombing attack was realized against an American military housing complex near Dahran, Saudi Arabia, killing 19 American servicemen and injuring 384 persons of other nationalities.

The attack was carried out using a cistern truck loaded with explosives. The night of the attack a white automobile followed by a truck entered a parking lot in front of Khobar Towers. The car flashed its lights at the truck, which was already parked, and the truck responded in like manner. The car then pulled out in front of the truck and stopped. The truck then moved backward until it was in front of the building. Two men then got out of the truck and into the car, which sped away. Four to six minutes later, the truck exploded. The explosion was so powerful that it split the front of the eight story Khobar Towers building in two and destroyed five other adjoining buildings. A detonator was found at the site of the bomb that was similar to a type used in the past by Hezbollah. It is known that Semtex was used as an explosive and that it was brought into Saudi Arabia via an intricate network of clandestine cells, from the Bekaa valley in Lebanaon through Syria.

Preparations for the attack began in January 1996 and were realized in three stages: reconnoitering the area, planning the operation, and setting up an efficient infrastructure in the Dharan area. Lebanese Hezbollah provided assistance for this latter phase.

One of the other persons involved in the attack, an individual by the name of Hani Abkul Rahim Al Sayegh and a member of Saudi Hezbollah, was suspected of having been a direct participant in the bombing. It is believed that he drove the lookout vehicle that reconnoitered the site of the attack and that signaled to the truck carrying the explosives to enter the parking lot. This individual sought refuge in Canada, but was extradited to the U.S. on 17 June 1997, and from there was extradited to Saudi Arabia to be put on trial for the crime.

It is noteworthy that the U.S. State Department announced that it was investigating the possibility that Iranian officials acted as sponsors of the attack (p. 76/77 of Annex 2 of the general report, p. 85/95 (reverse)).

d) Methods used by the government of Iran to export the Islamic revolution

d.1) The present section describes how the Iranian government went about making decisions concerning terrorist operations, and how these operations were planned, implemented and executed.

Before describing this, however, and as was done with regard to Abolghasem Mesbahi, we shall review the backgrounds of the witnesses whose testimony will serve as key points of reference in the sections that follows. This will also enable us to realize a fair and critical evaluation of the statements made by these witnesses.

Let us begin with Manoucher Ganji, who earned degrees in international law, political science and international relations at the University of Kentucky, Cambridge University, and the Graduate Institute of International Studies in Geneva, Switzerland between 1955 and 1962 (p. 128/131 of file 352).

Ganji was also held the positions of professor, dean and director at the Center for Graduate Studies and Research at the University of Teheran from 1996-1979. He was also an adviser to the Shah's prime minister from 1974-76, and for the Ministry of Education from 1976-78 (pages cited above, and pp. 324/325 of the Mykonos ruling, p. 149 of file 204).

After fleeing into exile in 1979 owing to the triumph of the Islamic revolution, Ganji established the Ismaelite Foundation and an organization known as Flag of Freedom. The latter was affiliated with the Organization for Human Rights and Freedom for Iran, of which Ganji was president. Concomitantly with this, Ganji continued working as a college professor and was a member of the United Nations Human Rights Committee (pages cited above and p. 187/197 of file 352).

As for Abolhassan Bani Sadr, he was the president of Iran and supreme commander of Iran's armed forces and of the Supreme Defense Council from 25 January 1980 until 20 June 1981, at which time he was dismissed by Khomeini after having been declared politically incompetent by the parliament (p. 324/325 of the Mykonos ruling cited above; and Nikki R. Eddie, "Las raíces del Iran Moderno", Buenos Aires Grupo Editorial Norma, 2006, p. 324).

All of this notwithstanding, there is no getting around the fact that Bani Sadr was always regarded as an intellectual around Khomeini, but the political views he advocated were at odds with those of the Shiite clerics, and this ultimately led to his dismissal (Don Peretz, op. cit., p. 8.167/8.202 of file 263).

Bani Sadr then went underground, following which he went into exile in France, where he became the main opposition leader, forming a new coalition consisting of republicans, monarchists, and other groups. These activities also resulted in his becoming one of the persons most persecuted by the Iranian government (p. 518 of file 267, and p. 8.167/8.202 of file 263).

Bani Sadr was also editor of the publication *Enghelabe Eslami*, which provided news about Iran.

As for Ali Reza Ahmadi, the evidence gathered in the case revealed that he was an Iranian foreign service officer and one day found himself on a list of diplomats that were to serve in the regime's embassies (p. 23.626 of summary "S" no. 143, file XXIV of the Register of the Corte Suprema de Justicia de la Nación, hereinafter referred to as the "Embassy" case).

The other significant witnesses were as follows: Reza Zakeri Kouchaksaraee, president of the Security and Intelligence Commission of the National Council of Iranian Resistance; Hadi Roshanravani, member of the Committee on International Affairs of the National Council of Iranian Resistance; and Hamid Reza Eshagi. It should be noted that all of the aforementioned individuals, along with Ali Reza Ahmadi, had been members of the mujahidin group, which had worked with Khomeini to bring about the triumph of the revolution and had actively opposed the Shah's government – although later they had been members of the regime of the mullahs, only to end up transforming themselves into an opposition group.

As for the credibility of their statements and the extent to which they had access to classified regime information, it should be noted that like Ganji and Bani Sadr, the aforementioned individuals maintained close ties with members of and sympathizers with their opposition organizations within Iran, who fed them information concerning relevant events in the country and obtained information for them that was not publicly available.

In this regard, Thomas Sancton wrote in a *Time* magazine article that the National Resistance Council of Iran is the leading Iranian opposition group, and that it is also a key source of documentation concerning Iranian terrorism (p. 153/165 of file 352).

And while some of the witnesses expressed their political differences with the government of Iran, as well as their political differences with each other, what is certain is that various passages of their testimony are in accord. This is reflective of the fact that these individuals only told what they knew, and prioritized facts over opinions. This overall stance means that we can attribute to their testimony a greater guarantee of stability, in light of the other evidence that has been developed in this investigation.

In fact (and as was pointed out in connection with the witness Mesbahi), we are in the presence of individuals whose activities to one degree or another put them in a position to make statements, backed up by a certain knowlegeability, concerning the terrorist activities of the then-government of the Islamic Republic of Iran.

The fact that these individuals are opponents of the Iranian regime does not detract in the least from the significance of their statements, which were made with honesty and rigor in a manner that respects the nuances and details while still maintaining a sense of the larger picture. Hence, we have undertaken an objective and rigorous assessment of the statements made by these various individuals, in full awareness of their ideological positions.

In short, we are firmly convinced beyond a reasonable doubt that the statements made by the witnesses described above are completely truthful.

Against this backdrop, we shall now describe the methods used by the government of Iran to export the Islamic revolution. Iran's theocratic government in the period leading up to the AMIA

attack regarded itself as a leader in the Middle East and aspired to position itself as the leader of Islamic nations with a view to guiding these nations toward a world revolution that would make Islam the dominant religion. The preamble to the Iranian constitution defines this purpose as follows: “With due consideration for the Islamic element of the Iranian revolution, which has been a movement for the victory of all oppressed peoples who are confronted with aggressors, the constitution shall pave the way for perpetuation of this revolution within and outside the country, particularly in terms of the expansion of international relationships with other Islamic and popular movements. The constitution seeks to lay the groundwork for the creation of a single world nation (...) and perpetuate the struggle to make this nation a reality for all of the world’s needy and oppressed nations.” Another section states as follows: “In establishing and equipping the country’s defense forces, we will allow for the fact that faith and ideology constitute the foundation and the criterion that we must adhere to. Therefore, the army of the Islamic Republic of Iran and the troops of the Revolutionary Guard will be created in accordance with the objective mentioned above, and will be entrusted with the task of not only protecting and preserving our borders, but also an ideological mission, that is to say, Jihad in the name of God and the world” (translation, p. 10.539/10.611 of file 263).

This revolutionary discourse was also the focus of a study by Roland Jacquard (president of the International Observatory on Terrorism) and the French National Police, which states as follows:

“Iran’s avowed aim is to install political regimes throughout the Arab world that apply the principles of the Islamic revolution...” (p. 928/955 of file 209). Yves Bonnet echoes this, saying as follows: "...In the mullah’s view, Iran is the Mother Country of the Islamic world. In other words,

Iran stands at the center of all of the world's Islamic fundamentalist movements" (p. 990/995 of file 209).

Hence the aforementioned political and religious ideology of the then government of Iran placed it irreconcilably in conflict with Israel and its main ally the U.S., both of which are regarded as threats to the regime. This led Iran to fight unflaggingly against the interests of these two countries with a view to achieving the country's objectives, using various active policies which on some occasions took on terrorist characteristics, including attacks such as those discussed in the present report. Former Iranian president Abolhassan Bani Sadr stated the following in this regard "...The attacks constitute a message aimed at the Arab world, in order to show the Palestinians and the Arabs that Iran is present, inasmuch as the current regime plans to make itself the leader of the Islamic world" (p. 724/736 of file 209).

This sociopolitical aspiration is a key element of the matter discussed in the present section, since the international context at the time of the AMIA attack cannot be disregarded, lest we lose sight of the true importance of the attack. Although the attack's causes and origins exceed the scope of the present analysis, suffice it to say that it was specifically Israeli and U.S. targets that the Iranians sought out as an embodiment of their foreign policy. Manoucher Ganji put it this way: "...The Islamic revolution has always maintained... that it carries out terrorist activities abroad, that this has never been a secret, and that its avowed targets are Israel and the U.S." (p. 65/69 (reverse) of file 352).

Hence it must be pointed out at the outset that there is a clear dichotomy between Iran's foreign policy activities that it conducted openly through normal diplomatic channels, and those which it conducted undercover through illegal actions such as the AMIA attack. This was pointed out by Ali

Reza Ahmadi and Hamid Reza Eshagi, who noted that terrorism is one of the pillars of the Iranian regime (p. 502/507 (reverse) of file 313).

The witness James Bernazzani, director of the New Orleans office of the FBI and an expert on terrorism, concurs with this view: "The government of Iran is a state that sponsors terrorism, and is one of the few nations that uses terrorism as an instrument of foreign policy. Terrorist states recruit, train, arm, and promote the development of organizations that then use terrorism to implement an aspect of their foreign policy. Hezbollah is the principal organization of this type. Iranian policy aims to expel Israel and the U.S. from the Middle East. To achieve this goal, Iran uses Hezbollah to attack both of these countries. To the best of my knowledge, all of Hezbollah's terrorist operations outside of Lebanon have been carried out in response to orders from Iran" (p. 121.946/121.950).

The direct consequence of Iran's foreign policy at the time of the AMIA attack bombing was summarized by Hadi Roshanravani as follows: "...According to Mojahedine sources inside Iran, the decision to carry out the 1994 Buenos Aires attack was made at the highest levels of the Iranian regime" (p. 129/136 of file 209).

Based on this macro-political focus and the examination of the numerous elements of proof that emerged during the proceedings and its various documents, particularly those pertaining to the so called "international connection," we have been able to detect the existence of the various "patterns" that will be described below and that reappear in various operations that were controlled by the then-Iranian government, thus proving the existence of a genuine "terrorist matrix".

Thus we shall describe the infrastructure that was developed by the Iranian government that allowed it to make decisions concerning terrorist operations, and to plan, implement and carry them out.

The subject matter of the present section cannot be addressed unless the reader has an understanding of the various interlocking organs of the governmental structure of the Iranian government at the time of the AMIA attack. This insight is necessary in order to understand the relationship between the "matrix" (described below) employed by the then government of Iran to carry out terrorist attacks, and the Iranian governmental bodies whose organizational structure and functions will be described below.

The involvement of these official institutions in terrorist activities was pointed out by Reza Zakeri Kouchaksaraee, who stated that the following organs of the Iranian government were directly implicated in the realization of terrorist activities: "...the Ministry of Intelligence, the Quds Force, the Ministry of Islamic Culture and Guidance (Ershad), the Cultural Bureaus, and the Foreign Ministry" (p. 844/855 of file 209).

d.2) Ministry of Intelligence

The Ministry of Intelligence (hereinafter referred to as Vevak) was one of the most powerful and influential organs of the Iranian government during the period leading up to the AMIA bombing. Notwithstanding this fact, Vevak was subordinate to the Supreme National Security Council, which was in charge of overseeing and coordinating all of Iran's intelligence activities (p. 3 of the Annex *Inteligencia Iraní* of the intelligence report entitled *Temática Amia, la conexión internacional :El*

esclarecimiento del atentado terrorista and la individualización de sus autores of 21 January 2003; and *Informe Ampliatorio* of 2 April 2003, declassified as no. 301/03, hereinafter referred to as *Informe Internacional*).

Owing to the new regime's decision to expand its intelligence activities with regard to Iraq and targets abroad, Vevak took over the functions of SAVAMA. Vevak's main mission was to gather, analyze and transmit information that would further the interests of Iran and that promote exportation of the revolution. But Vevak also had competencies in the realm of political policy (p. 3 and 9 of the Annex *Inteligencia Iraní* of *Informe Internacional*).

Yves Bonnet substantiated this point as follows: "When the revolution occurred and the mullahs took power, unlike how things were done in the army, there was no purging of personnel within Savak, despite the fact that this agency had acted with great cruelty during the Shah's regime.

It was rechristened, and Savak became Vevak (...) The new organism retained the cruelty of the methods that had been practiced by its predecessor, but shifted its objectives, which were oriented toward exporting the revolution abroad" (p. 990/995 of file 209).

In terms of exporting the revolution, Vevak was in charge of organizing and, when the opportunity presented itself, executing terrorist operations (p. 9 of the Annex *Inteligencia Iraní* in *Informe Internacional*).

The Witness Abolghasem Mesbahi mentioned this point as well: "According to general Ministry of Intelligence policy, all countries in the world are targets of the Iranian intelligence service..." (testimony before the *Tribunal Oral en lo Criminal Federal No. 3*, p. 4.105/4.137 of file 204).

According to Vevak, it had more than 20,000 agents to carry out its objectives. These agents were located in Iran and abroad, and were integrated into specific departments, of which the following could have potentially been implicated in the AMIA attack:

- Department of Strategic Analysis, whose task was to realize disinformation analyses and actions

- Department of Counterespionage, whose competency encompassed actions in Iran and abroad

- Department of Foreign Intelligence, which was the central clearing house for investigations and analyses for foreign matters and was divided into various geographic and subject based sections (p. 3 and 8 of Annex *Inteligencia Iraní* in *Informe Internacional*)

Clearly, the activities described above would have been difficult to realize successfully without adequate cover activities that allowed Vevak agents to carry out their work clandestinely. These cover activities became ever more diversified, and took the following forms: classic diplomacy (Iranian embassies and consulates); domestic activities (official organisms such as the news agency IRNA and the airline Iran Air); clandestine activities (businesses, non-governmental humanitarian organizations, foundations, student associations, tourism) (p. 11/12 of Annex *Inteligencia Iraní* in *Informe Internacional*).

Vevak also achieved its aims through its so called "itinerant" agents whose mission was to develop and work with sources in countries where Iranian's intelligence services lacked "eyes and ears" or where contacts had to be particularly well protected (p. 11/12 of the Annex *Inteligencia Iraní* in *Informe Internacional*).

d.3) Ministry of the Revolutionary Guard (Pasdaran)

Padaran was created as a paramilitary force in the early months after the Shah was deposed in 1979. Having been established on orders from Khomeini, Pasdaran did not have the negative reputation that had been associated with the former military forces. To the contrary: Pasdaran acted on the basis of politically and religiously "correct" principles in the interest of serving the new regime. It was accountable to Iran's religious authorities and operated outside of and concomitantly with the established military infrastructure.

Its original mission was to maintain internal security, which meant defending the regime and the Iranian nation. This goal was pointed out by the Center for International Security and Defense Policy at the RAND corporation in a report entitled "Iran's security policy in the era after the revolution" which stated as follows: "... with regard to security policy issues, various organizations are particularly important, including (among others) the intelligence service, the Islamic Revolutionary Guard, and the regular armed forces" (p. 8.493/8.603 of file 263). The Revolutionary Guard (Pasdaran) became the nucleus of a grassroots military force when Iraq invaded Iran in 1980, and three years later became an independent ministry within Iran's governmental structure (p. 3/4

of the Annex *Inteligencia Iraní* in *Informe Internacional*, and p. 2.143/2.343 of file 209, official translation of the Mohammed Mohaddessin work cited above).[14]

In addition to its main mission of ensuring the personal safety of the key figures in the new regime and maintaining public order, Pasdaran also carried out activities involving "export of the revolution", particularly establishing and supporting various Islamic organizations throughout the world, such as Hezbollah, and helping groups such as the Islamic minorities in Bosnia and Chechnya to activate various areas of tension abroad (p. 4 of the Annex *Inteligencia Iraní* in *Informe Internacional*).

Like Vevak agents, Pasdaran agents abroad conducted their activities undercover, generally using similar types of cover (p. 3 and 9 of the Annex *Inteligencia Iraní* of *Informe Internacional*).

It should also be borne in mind that within Pasdaran was a group known as the Quds Force, which mainly was involved in organizing foreign activities. This was corroborated by the defector Iranian Hadi Roshanravani, who said that "the force that was in charge of foreign activities was called Quds", which aimed to "spread Islam throughout the world" (p. 129/136 of file 209).

The Quds Force was created in 1990 as an "extraterritorial force" of the Revolutionary Guard, following which the decision was made to merge its three components (army, air force and navy). In time, the Quds Force became one of Pasdaran's most active and elite units by virtue of counting among its ranks some of the most experienced personnel available (p. 2.399/2.428 of file 209, official translation of the report by the National Council of Iranian Resistance).

[14] Translator's note: The work mentioned is cited in the part of this document that was not translated. The title of the English version is *Islamic Fundamentalism: the New Global Threat*

Composed of ten "corps" and an independent brigade, the Quds Force's main mission was to coordinate, plan and execute Pasdaran's foreign operations. However, this did not prevent numerous other Iranian government agencies from participating in such activities, and they also acted abroad under a unified command (translation of the report mentioned above, p. 2.399/2.428 of file 209).

The Quds Force's objectives were confined to the following: fundamentalist propaganda and agitation in various countries; recruiting, training and organizing fundamentalist elements abroad; logistics provisioning for followers of the Islamic revolution, Islamic groups and groups outside of Iran such as Hezbollah; gathering military and strategic intelligence; eliminating the regime's opponents, in collaboration with Vevak; and forming branches of the Revolutionary Guard in various countries such as Iraq (translation mentioned above, p. 2.399/2.428 of file 209).

The Al Quds force employed an extremely broad range of methods for its terrorist operations: suicide bombings, car bombings, kidnapping, placing bombs, taking hostages, airline hijacking, and assassinations. Various public sector services or installations provided the cover the Quds Force needed to carry out its operations (translation mentioned above, p. 2.399/2.428 of file 209).

d.4) Ministry of Islamic Culture and Guidance (Ershad); Foreign Ministry

At this juncture and in light of the matters that are being analyzed here, it is extremely important to draw attention to the cooperation between the Ministry of Islamic Culture and Guidance (Ershad) and the Foreign Ministry, since these two organizations provided an excellent undercover environment for activities realized outside of Iran.

While Ershad's official mission was to promote cultural and religious activities, as well as the Islamic revolution abroad, and it ultimately assumed responsibility for establishing mosques, cultural centers, associations, brotherhoods, student organizations, and religious services throughout the world – for which it received substantial government funding – there is no doubt that foreign activities were often carried out by Vevak agents that used Ershad's undercover structures to recruit Islamic activists (p. 26 of *Informe Internacional*).

By the same token, and at the periphery of its official mission (Iranian foreign policy, diplomatic relations with other countries and organizations throughout the world, helping to spread the Islamic revolution), the Foreign Ministry and its diplomatic representatives abroad made extensive use of Vevak and Pasdaran agents to carry out its activities, provide diplomatic cover/visas and passports, and transport military equipment via the diplomatic mail (p. 27/29 of *Informe Internacional*).

The following observation by Mohammed Mohaddessin in his work cited above is extremely pertinent and is indicative of the role the Foreign Ministry played within the Iranian government in terms of terrorist operations: "A cursory look at the list of officials and ambassadors from the Foreign Ministry in Teheran and their CVs shows that in reality this ministry is a political terrorist organization whose diplomatic activities are only part of what it does" (p. 2.143/2.343 of file 209).

The interrelationship between the Ministry of Intelligence and the Foreign Ministry was palpable the minute you entered the main building of the Foreign Ministry in Teheran and came across a Vevak agency

known as Department 240, which acted as a liaison betwen the two ministries and which coordinated the activities of Ministry of Intelligence agents abroad who were carrying out their missions under diplomatic cover (p. 27/28 of *Informe Internacional*).

In addition, Iranian diplomats and its embassies also collaborated on gathering intelligence and monitoring the entities in whose regard the Teheran regime was planning to carry out its attacks (p. 27/29 of *Informe Internacional*).

"The definitive coordination of the Al Qud Force's activities in a specific country, supplying diplomatic cover or the like for its agents, and the use of diplomatic immunity and diplomatic couriers to obtain supplies, transmit messages and supply terrorists with military equipment was the responsibility of the Foreign Ministry and its embassies" (p. 2.143/2.343 of file 2009; official translation of the book by Mohammed Mohaddessin cited above).

By the same token, Hadi Roshanravani reported the existence of an "information office that was presided over by Rafsanjani and was composed of the minister of information, the commander of Pasdaran, the commander of the Quds Force, and the foreign minister " (p. 129/136 of file 209). This clearly demonstrates the existence during this period in Iran of a governmental structure that was established, among other reasons, to promote and support intelligence activities that served as a basis for the perpetration of terrorist operations.

Now that we have outlined the Iranian government organization that were heavily involved with masterminding and executing operations that bore all the hallmarks of terrorism, we will describe the consequent matrix of terrorism.

d.5) Description of the so called "terrorist matrix"

We did not choose the term "matrix" by happenstance. The term is meant to describe a mold or a pattern that produces a specific entity and conveys the idea that the terrorist activities being analyzed were not the fruit of improvised actions by isolated groups, but instead constituted a work product whose execution was impeccably orchestrated by the Iranian government.

In the words of Yves Bonnet: "...In order to ensure the success of its missions, the Iranian government provided logistic, material and spiritual support, financing, training, and propaganda to all Islamic, Sunni and Shiite activists that adopted the Islamic Republic as their model; the embassy or Cultural Bureau played an essential role in this regard" (p. 990/995 of file 209).

Against this backdrop, we shall now enumerate the main components of this matrix, which are as follows: centralized decision making by Iranian government authorities; use of the country's embassies and Cultural Bureaus as intelligence services and of its officials as agents in the service of said operations; establishment of a system of cells and links; the existence of so called "cover businesses"; the use of mosques as a source of recruitment of operational fundamentalist elements and for the transmission of sensitive information; use of safe houses for local logistics purposes; use of car bombs to carry out attacks; presence of an operational group; availability of a person who was prepared to commit suicide.

Recognized experts concur with this description of Islamic terrorism. For example, Kenneth Timmerman, a specialist on the subject, says this: "...The first thing you have to understand is that the Iranian government uses all of the tools at its disposal in order to achieve its objectives. It would be an error to limit the question to what the Ministry of Intelligence does. Take the case of Bakthiar in France for example, where the support cells for assassinations were located in the

Iranian Ministry of Communication and not in the Ministry of Intelligence, which indicates that they use all of the resources at the government's disposal: Islamic centers, mosques, non-governmental organizations, the Iranian airline, taxi drivers, carpet companies (...) They use embassies, consulates, official passports, the government, consular services, diplomatic pouches. They frequently use sleeper cells that were previously inserted into the location" (p. 76/80, file 352).

In his testimony before the U.S. House Foreign Relations Committee, Steve Emerson stated the following: "Money, arms, preparation and training, guidelines, lodgings that provide refuge and protection, passports, business and diplomatic cover: this is what Iran has supplied via its network that it has established all around the world. It has done this in a direct manner through its embassies, its export and import companies, its consular services and its airlines. It has done this indirectly using carefully selected mosques, charitable foundations and various Islamic centers" (p. 2.167/2.186). Testimony of this type clearly indicates that Iran spared no resources when it came to accomplishing its objectives.

Using the basis we have presented here and having completed our general introduction, we will now dissect the matrix by analyzing it and defining each of its various modules one by one.

d.5.a) Description of the decision making mechanism used to carry out terrorist attacks

The then government of Iran established an intricate mechanism for making decisions to carry out terrorist attacks. This mechanism constituted a dynamic process within which the main elements of the Iranian government interacted. In describing this mechanism, we should not lose sight of the

institutional gravity entailed by the fact that top Iranian officials were directly involved in making decisions to carry out terrorist attacks.

Against this backdrop, we can now describe precisely the steps in this decision making process. It began with the analysis of intelligence reports that various Vevak agents submitted periodically to Vevak. According to Mesbahi, these reports described the situation in a specific local Islamic community, its economic capacities, and the extent to which its views coincided with those of the Islamic revolution (p. 381/416 of file 204; for summaries of examples of such reports, see p. 199/207 of file 204).

It should be emphasized that these reports were drafted irrespective of whether or not a specific decision had been made to carry out an attack against the country where the report originated. This point was stressed by Xavier Raufer,[15] who stated the following: "...The head of Iranian intelligence didn't simply wait around for a reason to take revenge, but instead most of the time counted on roving agents who traveled from one country or embassy to another...to gather information" (translation of the testimony given by experts on international terrorism in France's Chamber of Deputies, p. 778/915 of file 267).

The Witness Abolghasem Mesbahi mentioned this dimension as well: "According to general Ministry of Intelligence policy, all countries in the world are targets of the Iranian intelligence service..." (testimony before the *Tribunal Oral en lo Criminal Federal No. 3*, p. 4.105/4.137 of file 204).

[15] Christian de Bongain is an author who has published, under the pseudonym Xavier Raufer, a number of books on international crime, terrorism and threats to security in urban areas. He is also a professor at the Institute of Criminology in Paris and the Institute of the Social History of France.

Iranian officials analyzed the contents of these field reports exhaustively. If they felt that a specific territory under study could potentially advance their aims, it was adopted as a target and the green light was given for the initiation of overall activities, which included espionage, propaganda concerning the Islamic revolution, and terrorist operations (p. 381/416 of file 204). The need to obtain more detailed information was clearly driven by the ultimate goal of identifying a suitable location for a successful attack. This of course necessitated an increased level of intelligence activities, as the aforementioned witness explained.

This increase in Iranian intelligence activities, as occurred in Argentina as well, resulted in a rise in the number of reports that were filed. These new reports were analyzed by an intelligence agency that carried out its activities within the sphere of the office of the Iranian president.

The existence of this office was pointed out by Hadi Roshanravani, who explained that it was “presided over by Rafsanjani and composed of the minister of information, the commander of Pasdaran, the commander of the Quds Force, and the foreign minister. This office was in charge of assessing terrorist actions and plans...” (p. 129/136 of file 209). Another defector, Reza Zakeri Kouchaksaraee, stated that "proposals for a terrorist attack or action originate from a political or intelligence entity" (p. 844/855 of file 209).

In this regard, the All-Party Parliamentary Group on Human Rights of the British parliament stated the following: “The planning and execution of terrorist attacks is an activity that is coordinated by the Department of Intelligence, which carries out its activities within the presidential office of the Iranian regime. This department determines who will be a target of the assassinations" (p. 1.919/1.982 of file 204).

All of this clearly proves the existence of a dedicated entity in the then-Iranian government that elaborated plans and/or actions involving terrorist operations and whose personnel included representatives of the most important government bodies.

The undertakings elaborated by this office and approved by the president of Iran were submitted for the consideration of the Supreme National Security Council. This latter body was formed under the National Constitution of the Islamic Republic of Iran, whose article 176 states as follows: "In order to protect national interests, the Islamic revolution, territorial integrity and national sovereignty, a Supreme National Security Council shall be established whose chairman shall be the president. In this capacity, the president shall assume the following responsibilities: (1) He shall define national defense and security policies within the framework of the general policies defined by the Leader. (2) He shall coordinate policy, intelligence, social, cultural and economic activities pertaining to defense and security policies in general..." (p. 10.539/10.611 of file 263).

The members of the Supreme National Security Council were as follows: the heads of the judicial, executive and legislative branches of government; the head of the joint chiefs of staff; the following ministers: planning and budget, foreign affairs, and interior and information; and two representatives of the Spiritual Leader. Depending on the agenda, the ministry in question or the highest authority of Pasdaran and the army attended Supreme National Security Council meetings (see the report entitled *Iran: the legal foundation and the structure of the Iranian regime* by the Supreme National Security Council of Iran. Foreign Relations Committee, p. 637/662 of file 209).

Some members of the Supreme National Security Council (who, as we have seen, were top Iranian officials) used these official meetings to discuss issues that exceeded the Council's competency. When the Council carried out this kind of "extralegal" activity, they officially

attributed the decision to the Committee for Special Operations (Omure Vijeh Committee). But this constituted merely a change of name, since the Committee for Special Operations and the Supreme National Security Council essentially had the same members (see Mesbahi's testimony on p. 381/416 of file 204). This duality of designations was clearly explained by Bani Sadr when he said that "the Council could not officially adopt a decision of this kind (i.e. concerning a terrorist attack), but its members constituted a kind of parallel council that existed in reality but not officially (p. 737/750 of file 209).

In the same vein, Abolghasem Mesbahi stated that a committee existed that was made up of the president, the foreign minister, the minister of intelligence and the head of the Supreme National Security Council; that this committee was headed by the Spiritual Leader Khamenei; and that it was the members of this committee who decided to carry out foreign operations (p. 3.448/3.461 of file 204).

The Superior Court of Berlin reached a similar conclusion in the Mykonos case, stating that the sole function of the Special Affairs Committee was to make decisions to carry out terrorist operations. The court stated as follows in this regard: "Fallahijan presented the results of his investigation to the Committee for Special Operations (Omure Vijeh), which was the sole instance that had the authority to make decisions on security matters of major importance. These decisions exceeded the competency of various domains, and owing to their relevance, could not be discussed in the official Supreme National Security Council (p. 32 of the ruling in the case known as "Mykonos," file 204).

It was to this committee that proposals elaborated by the Office of Intelligence were transmitted, the intention evidently being to submit for the committee's consideration the possibility of carrying

out a terrorist attack. However, it is important to note that owing to the characteristics of this committee, the hierarchy of its members, and the extreme sensitivity of the subject matter being discussed, its decisions were made during a single session, with the option to send the proposal back to the minister of intelligence for reexamination of the matter.

The aforementioned Zakeri Kouchaksaraee substantiated this, as follows: “The Supreme National Security Council studied the matter and if necessary instructed the Ministry of Intelligence to assess the matter in detail and present a plan. The Ministry of Intelligence then drafted a plan on the basis of the information it had, and the information it had been given by the embassies and the Cultural Bureaus. The ministry then presented a plan based on this information...” (p. 844/855 of file 209).

In any case, irrespective of whether the Committee for Special Operations (Omure Vijeh) approved the proposal the first time it was presented, or whether the proposal was sent back for optimization, what matters is that this organism made the decision to carry out a terrorist attack. The various pieces of evidence that were gathered during the investigation all clearly indicate that this was the case.

We referred above[16] to certain observations made by Abolghasem Mesbahi and his substantiating remarks concerning the Committee for Special Operations.

In this regard, Ali Reza Ahmadi, who was an Iranian Foreign Ministry official from 1981-1985, and Hamid Reza Eshagi, stated as follows: "Following a period of dispersal resulting from the fact that various organisms were in charge of the information, all of it was consolidated at the Ministry of Intelligence, which was an organ of the Supreme National Security Council (...) The beneficiaries of the proposed terrorist actions are the Ministry of Intelligence and the Quds Force:

[16] Translator’s note: Beginning on page 142 or 143.

...all decisions are made by the Supreme National Security Council" (p. 502/507 (reverse) of file 313).

In this same vein, Hadi Roshanravani, who is a member of the Committee on International Affairs of the National Council of Iranian Resistance, confirmed the existence, during the period leading up to the AMIA attack, of an entity that studied all terrorist plans and actions. When this body decided that there was a sure chance of carrying out a terrorist operation successfully, they elaborated a concrete proposal and then submitted it to the Supreme National Security Council. Once the Committee gave the go-ahead, the next phase of the operation could be initiated (p. 129/136 of file 209).

Another Iranian defector Reza Zakeri Kouchaksaraee stated as follows in reference to a specific assassination of an opponent of the regime (and in so doing indicated that the assassination order was issued by Khomeini and was carried out after the death of the former Spiritual Leader): "...The Supreme National Security Council was the highest decision making body for this type of order" (p. 844/855 of file 209).

Statements by the All-Party Parliamentary Group on Human Rights of the British parliament, as well as by Manoucher Ganji corroborate the aforementioned assertions, by confirming that the Supreme National Security Council was the entity that decided to carry out terrorist attacks (p. 1.919/1.982 of file 204 and p. 167/170 of file 352, respectively).

Another corroborating statement in this regard came from Mohammed Mohaddessin, who stated as follows: "Inasmuch as terrorism was one of the main tools the mullahs used to achieve their

foreign policy objectives, decisions concerning terrorist operations were made at the highest levels of the regime" (op. cit, p. 2.143/2.343 of file 209).

In view of the weight of the evidence presented above, there can be no doubt whatsoever that the Iranian decision to carry out a terrorist operation in 1994 was made by top officials of the Iranian government in the aforementioned Supreme National Security Council, which became the Committee for Special Operations for purposes of dealing with this type of case.

It is important to note that the existence and workings of this organism were substantiated by various witnesses that in one way or another had direct or indirect ties with the Iranian regime during the period leading up to the AMIA attack. For in point of fact, whether the person held a senior position in the Iranian government at one time (as is the case with former president (during the Khomeini period) Abolhassan Bani Sadr), or was a member of a recognized opposition organization abroad (mujahidins and the Flag of Freedom organization), it is beyond doubt that all of the various statements cited above – which were made at different periods, and most importantly by individuals of various political persuasions – all say essentially the same thing; and this extraordinary fact is a clear indication of the credibility of these statements, which in conjunction with all of the other convincing evidence in the case, has led us to the conclusion that during the period leading up to the AMIA attack, the Supreme National Security Council was responsible for making decisions concerning foreign terrorist operations.

Once this type of decision had been approved, the Spiritual Leader was asked to authorize execution of the plan. Reza Zakeri explained it this way: “The Supreme National Security Council gave its opinion and sent it to the Spiritual Leader so that he could issue the religious decree" (p. 844/855 of file 209).

This religious decree, which was the sole province of the Spiritual Leader and whose purpose was to promulgate a decision that had been adopted by the Committee for Special Operations, was referred to as a fatwa. In its ruling on the Mykonos case, the Superior Court of Berlin stated the following in reference to fatwas: "The decisions adopted by the Committee for Special Operations entailed the execution of specific operations, particularly abroad. If the operation in question involved an assassination, in his capacity as political instance the head of the revolution was the person who issued the order to carry out the operation. He was also the person who, without any sentence having been pronounced, gave the secret order to eliminate persons who were opposed to the political interests of the Iranian regime or who were not to its liking for other reasons" (p. 32 of the Mykonos ruling, p. 149 of file 204).

Historically, a fatwa was a nonbinding legal opinion that served to elucidate a legal problem. This "historical" type of fatwa served as a guide to Muslims who were concerned with various faith related issues, and it addressed matters such as doctrine, religious rituals, customs, matters relating to family and personal status, financial and business contracts and so on (David Waines, op. cit.)[17]

Be this as it may, during the period leading up to the AMIA attack, the Iranian government disregarded this historical meaning of fatwa, denaturalized it and ascribed to it a new dimension by placing the Spiritual Leader above Islamic law, who was permitted to deviate from the letter of the law by being faithful to the aims of the revolution. It is within the framework of this new context that we must regard the role played by fatwas. This new type of decree was elucidated by Bernard Lewis in his book *The Crisis of Islam: Holy War and Unholy Terror*: "In using a fatwa to

[17] Translator's note: This work is cited in the part of the present text that was not translated. The title is: An Introduction to Islam (Introduction to Religion).

pronounce a death sentence and recruit an assassin, the ayatollah (Khomeini) deviated substantially from standard Islamic practice" (op. cit. p. 155).

Hence, according to the witnesses in the case, during the period leading up to the AMIA attack, a fatwa was an autonomous and top secret religious decree that was binding for all Muslims (statement by Abolghasem Mesbahi before the *Tribunal Oral en lo Criminal Federal No. 3*, p. 4.105/4.137 of file 204). Zakeri Kouchaksaraee put the matter this way: "A fatwa is a decree that is based on a personal decision made by the Spiritual Leader that does not necessarily have anything to do with whether it's in the Koran or not" (p. 844/855 of file 209).

Former Iranian president Iran Abolhassan Bani Sadr explained the necessity of issuing a fatwa this way: "...An authority must issue the authorization; for if it is lacking, the action would be regarded as a felony or misdemeanor rather than as a religious act, and in this sense would be prohibited by Islamic law. For example, if Khamenei authorizes a certain act, it is regarded as exculpatory, and not as a crime. The fatwa must be issued by a Spiritual Leader that has political and religious authority, e.g. Khamenei in Iran or Nasrallah in Lebanon" (p. 724/736 of file 209).

An example of a fatwa can be found in one of the documents that was submitted in the case by Manoucher Ganji (p. 97/99 of file 352) and that states as follows: "In the name of God. Islamic Republic of Iran. Confidential, direct, immediate and important. To: Ministry of Intelligence of the Islamic Republic (Savama). Subject: former government minister Manoucher Ganji. With regard to this individual, who has lived abroad since the revolution; who acts and plots against the Islamic Republic and Islam; who incites the Islamic family to rebel against the Shiite religion; who attempts to incite the public to turn against the Islamic Republic opinion in matters concerning the

penal code and the rules set forth in the Koran; who in general incites the whole world to turn against the Islamic Republic, against the government of religion and the Koran, against the prerogative of the clergy to sacrifice society and its development and to combat corruption; we have solicited the views of the Leader of the Islamic Revolution Khamenei, who has decreed the following: 'This man is an apostate and is corrupt, he must be eliminated because he is an enemy of God and his Prophet, and of the Law and the divine decrees; he foments subversion and corruption of the Islamic nation; in order to protect Islam and the Muslims, this root of corruption must be severed as soon as possible so that there will be one example less for others (...) The president of the Republic (Rafsanjani) has been informed by Ayatollah Mohamed Yazdi of this binding decree, and has ordered that, through the agency of your ministry, government officials that are currently abroad should receive the training and instruction that is necessary in order to execute this punitive decree (...) In view of the importance of the person in question, a copy of this letter has been sent to the Foreign Ministry so that it can assist in the execution of the stipulations thereof and can transmit orders to its representatives in the countries in question. In view of the importance of the person in question, a copy of this letter has been sent to the office of information of the Ministry of the Revolutionary Guard with a view to selecting personnel with the skills and experience that are needed to execute this order, provide their assistance, and collaborate with the other ministries that are mentioned herein and in so doing take the necessary precautions, and submit information promptly concerning the actions that have been undertaken. On completion of the relevant actions, all correspondence and documents concerning the present matter are to be destroyed."

This extremely explicit document provides further evidence that various government agencies interacted so that they could work together to carry out the order.

It could also happen that once the decision was taken, the action in question was not implemented immediately but was instead postponed for a time, since in carrying out the operation the current political situation and relations between Iran and Israel/the U.S. were taken into consideration. It could also happen that despite the decision having been made to carry out an operation, it never reached the implementation phase (statement by Abolghasem Mesbahi, p. 381/416 of file 204).

The terrorism expert James Bernazzani added the following: “Hence it is not possible to establish precise dates: one or two years may well elapse between initiation of the first phase and execution of the operation" (p. 121.946/121.950).

As for the second phase – i.e. the phase during which the elements needed to carry out the operation were readied – the same government body was not always in charge of carrying out the operation. The entity that was actually designated depended on the particularities and objectives of the operation in question. Concerning this matter, the All-Party Parliamentary Group on Human Rights of the British parliament stated the following in a passage concerning terrorist assassinations committed by Iranian agents: “Once approved by the Supreme National Security Council, the Department of Intelligence decides whether the Ministry of Intelligence or the Quds Force of Pasdaran will execute said action plan, or if both will do it" (p. 1.919/1.982 of file 204). Zakeri Kouchaksaraee made a similar comment: “...in order to execute an order issued by the Spiritual Leader, depending on the decision, the Ministry of Intelligence, the Quds Force, or both are entrusted with the mission (...) The entities that are needed for participation in this mission are designated in accordance with the action that is to be carried out" (p. 844/855 of file 209). In this same vein, Witness A indicated that foreign terrorist operations were planned by the Quds Force (p. 56/86 of file 313).

In addition to what has just been described, and in view of the complexity of the operation, it would be naive to assume that only the entity that was selected to carry out a given operation obtained everything that was necessary in order to bring the project to fruition. From a logical standpoint, no such limitation existed, for as has been pointed out, all of Iran's governmental organization and even its non-governmental organizations were ready and willing to collaborate as needed. In other words, during the period leading up to the AMIA attack, Iran's top officials put all of their resources at the disposal of this type of operation. Zakeri Kouchaksaraee stated the following in this regard: "From a terrorism standpoint, the Quds Force and the Ministry of Intelligence are the ones who take action. From a cultural standpoint, the Ministry of Culture and the Islamic Relations Organization recruit people. From a financial standpoint, the Foundation of the Dispossessed referred to earlier, as well as certain affiliated foundations, finance these operations" (p. 844/855 of file 209).

Once the decision was made to carry out the operation, the preparatory phase began. It was left entirely to the discretion of the head of the operation to select individuals that would execute the operation in terms of its logistics (arms and explosives provisioning, communication elements, fake documents, vehicles, safe house, information concerning the target and the security thereof, escape plan and so on), and its mechanics (exit and entry of the persons involved, the actual execution of the action). The head of the operation acted as general supervisor whose job was to ensure that the various phases and tasks that had to be accomplished in order to execute the operation went off like clockwork and were coordinated impeccably.

The following description in the aforementioned report by the All-Party Parliamentary Group on Human Rights of the British parliament provides some insight into how this worked: "If the plan is assigned to the Quds Force, its commander in chief Ahmad Vahidi schedules a meeting and decides

who will attend (...) During the meeting, the details of the operation are planned and the results are submitted to the Ministry of Intelligence. The decision to implement the plan is made at a meeting that is attended by the head of the Department of Intelligence, the minister of intelligence, Ahmad Vahidi, and the representative of the Foreign Ministry. The head of the Ministry of Intelligence sends a letter to the Foreign Ministry describing the scope of cooperation that is needed from the ministry, including supplying passports, and the required budget (...) The Iranian embassy in the target country is informed and the action groups make contact with certain persons inside the embassy, who then take charge of sending and receiving messages" (p. 1.919/1.982 of file 204).

It is also indispensable to mention in this regard the role played by Hezbollah, which was frequently summoned to carry out the final (i.e. operational) phase of terrorist attacks. Such a request was always a safe bet, since Hezbollah had a subordinate relationship with the Iranian government. Mesbahi characterized this relationship as follows: “...like the relationship between a father and son, where Iran is the father and Hezbollah the son" (p. 381/416 of file 204).

Mesbahi elucidated this further by stating, "The groups that operate under the name of Hezbollah in other countries such as Lebanon and Egypt act under the direct command of Iran and are under the control of Vevak and the Revolutionary Guard" (p. 141 of file 204).

Thus we have seen exactly how the Iranian government conceived, planned, implemented and carried out terrorist operations, which as the material presented in the section above shows, served as an auxiliary foreign policy tool.

It has also been shown that the Iranian president's immediate sphere incorporated elements whose specific task was to analyze intelligence reports and plan terrorist operations, which then had to be personally approved by the president.

It has further been confirmed beyond any doubt that the Committee for Special Operations – which was part of the sphere of the Spiritual leader, the president of the nation, the Foreign Ministry and the Ministry of Intelligence – was ultimately the entity that approved particular operations and then issued the fatwa that authorized execution of the operation.

In addition, it has been corroborated that in some cases the implementation and perpetration of an operation of this type was assigned to the Ministry of Intelligence, the Quds Force or both at once; and that on numerous occasions Lebanese Hezbollah was instructed to carry out the final phase of an operation.

The decision making system we have described here was applied to the AMIA attack as well.

This observation and the evidence underlying it are of major importance, since they represent the first concrete proof indicating that the then government of Iran was responsible for the massacre that took place in Argentina on 18 July 1994.

Notwithstanding the fact that this particular decision will be discussed in detail in the relevant part of the present report, in the following section we will describe all of the remaining elements that were put into action for purposes of carrying out said decision, which was made by Iranian authorities.

d.5.b) Embassies as intelligence services

In the interest of implementing its peculiar form of dichotomized foreign policy, the then government of Iran systematically used embassies as genuine intelligence services. Some embassy employees were assigned the task of secretly gathering intelligence that would ultimately be used by Iran's leaders to make decisions concerning the implementation of specific actions. The intermeshing of diplomacy and espionage reached such a broad scope that the Iranian government created an office that served as a link between the Foreign Ministry and the Ministry of Intelligence (Vevak). This entity was known as Office 240 and its mission was to coordinate the activities of intelligence agents that were travelling abroad under diplomatic cover. The existence of this phenomenon was substantiated by statements made by the following individuals: Ali Reza Ahmadi and Hamid Reza Eshagi (p. 502/507 (reverse) of file 313); Hadi Roshanravani (p. 129/136 of file 209) and Abolhassan Bani Sadr (p. 737/750 of file 209).

In its ruling on the Mykonos case, the Superior Court of Berlin stated as follows: "In their capacity as intelligence services, Iran's embassies and consulates in the zone of operations were required to provide the resources for execution..." (p. 40/41 of the Mykonos ruling, p. 149 of file 204).

We will now describe the structure of the intelligence services that were operated in the countries that were infiltrated. Each of these services comprised the following four levels: (1) the head of the service and its agents; (2) the directors of large Iranian companies; (3) other organizations whose personnel were not directly employed by Vevak but knew that they were working for it; and (4) adherents of Islamic fundamentalism in the country where the "target" was located. These persons

were tasked with providing logistic support and gathering information in their everyday environments. Their activities were coordinated by the head of the intelligence service, who was also responsible for all encryption keys and codes. His job also included analyzing the situation in the country and the opportunities that were available in the political, cultural and military spheres (testimony by Abolghasem Mesbahi, p. 3.448/3.461 of file 204).

Concerning Iranian embassies and consulates, Witness A stated the following: "...All of the embassies are given a modicum of intelligence training, which consists of the following: every three or four months a diplomatic messenger comes to the embassy and shows a video and then gives a talk on intelligence tasks..." (p. 87/93 of file 313).

Abolhassan Bani Sadr said something along the same lines: "In the countries where Iran carries out terrorist operations, most of the embassy employees are agents of Iran's intelligence service Vevak or of the Revolutionary Guard" (p. 737/750 of file 209).

Yves Bonnet stated the following in this regard: "...In every embassy you inevitably have Iranian intelligence agents who are there in order to organize all of the actions" (p. 990/995 of file 209).

Jean Lois Bruguiere, a Paris judge who specializes in international terrorism, stated the following: "There are Vevak agents in every Iranian embassy, some of whom are there officially and others of whom are under cover. In cases such as the AMIA attack, it seems to me that the structure of Vevak could have played a role in helping members of Hezbollah to carry out the terrorist operation" (p. 12 of the Annex *Metodología Operativa* in *Informe Internacional*).

By the same token, the Secretariat of Intelligence indicated that the cover activities used by Vevak agents became increasingly diversified and that they basically fell into three categories:

classic diplomacy; domestic activities; and clandestine activities. The first category, which is the one that is relevant for the present report, was realized within Iranian embassies and consulates. The Ministry of Intelligence generally had a representative or diplomat in the consulate. In addition, Vevak used visits by Iranian delegations to get their agents into the country with a diplomatic passport (p. 11/12 of the annex *Inteligencia Iraní* in *Informe Internacional*).

In *Informe Internacional*, the Argentine Secretariat of Intelligence indicated that Iran's intelligence service was well represented in Iran's embassies, where under cover of diplomatic immunity there were representatives of both Vevak and Ershad. Representatives of Pasdaran were present as well, and in time they were assimilated into the diplomatic corps (p. 34 of the aforementioned report).

In the same vein, Philip Wilcox, counterterrorism coordinator at the U.S. Department of State, stated the following: "...Hezbollah cells in Latin America and other countries of the world depend on guidance and logistic support from the Iranian intelligence officials that are posted to Iranian embassies in the region" (p. 2.423/2.521 of file 263).

The detailed evidence presented above demonstrating that intelligence services were embedded in Iranian embassies during the period leading up to the AMIA attack is of fundamental significance since it would be unthinkable that the Iranian intelligence service was involved in the planning and arming of large scale terrorist operations without the consent of the government it was serving. This provides – in addition to all of the other evidence that leads directly to the uppermost echelons of the then-Iranian government – a clear indication concerning the responsibility of the Iranian government's highest officials in masterminding and providing support for terrorist operations.

In addition, and insofar as consular operations are concerned, it should be mentioned that the embedded intelligence services transmitted information, via a double encoding system, to both the Foreign Ministry and Vevak. The encryption keys for these communications never remained the same for more than three months at a time, and were subject to change weekly or monthly (testimony by Abolghasem Mesbahi, p. 3.448/3.461 of file 204).

Iranian embassies gathered information on the basis of a pyramid structure, which means that at the base of the pyramid a large number of persons gathered data which was then passed to the apex of the pyramid through various channels.

According to Abolghasem Mesbahi, this information was generally obtained via various cultural activities, since Iran regarded these types of activities as being the most conducive to obtaining the type of information required. Based on this information, reports were compiled and then sent to Iran, and were categorized according to the topics addressed and were distributed to various centers of interest. The reports described the situation in a specific local Islamic community, its economic capacities, and the extent to which its views coincided with those of the Islamic revolution (p. 381/416 of file 204).

Mesbahi also indicated that the individuals who drafted these reports entered the country that formed the subject of the report under cover of the Iranian embassy's Cultural Bureau, which in fact was part of the aforementioned Islamic propaganda organization (p. 381/416 of file 204). In the same vein, Reza Zakeri Kouchaksaraee indicated that "the main task of Cultural Bureaus is to ferret out groups and individuals that sympathize with the envisaged terrorist activities..." (p. 844/855 of file 209).

All of this proved to be the case in the AMIA attack, where (as is explained in detail in the section concerning the intelligence service that was established by Iran in Buenos Aires) the following applied to the main actors at the Iranian embassy in Argentina: they were members of the Revolutionary Guard or had previously been involved in intelligence operations; they regularly communicated by phone with members of Hezbollah; they made singularly comprehensive use of the diplomatic mail, a medium Iran appears to have used for the transmission of sensitive information concerning the AMIA operation; they kept in close contact with the head of local logistics for the operation, Mohsen Rabbani; the latter individual, along with Third Secretary Asghari were specially summoned to Teheran to serve as advisers in the meeting where the decision was made to carry out the AMIA attack; and like Ambassador Soleimanpour, they left Argentina several days before the attack took place.

Thus it is indisputable that the then-Iranian government exploited its diplomatic presence in Argentina to the maximum, using it as an ideal medium to successfully take the steps that had to be realized in Argentina.

d.5.c) The sleeper cells

In conjunction with the use of its embassies for spying, the Iranian government employed an alternative method when it came to intelligence gathering, namely its so called sleeper cells (or sources), which were of major importance in the matrix that is under analysis here.

According to Mesbahi's testimony, these cells comprised Vevak agents who "had a very straightforward mission, which was to learn the language and integrate themselves into the social fabric. They knew that they might be called upon to act as agents at any moment, if necessary..." Mesbahi also indicated that the first stage of cover for a dormant source was via student status, and the second via a business activity, which was exemplified by the company called GTC and the news agency IRNA.

With regard to the training of such agents, Mesbahi stated as follows: "They had to attend Baker University [the correct name is Baqer], which was an arm of Vevak, and from there the candidates that had the greatest aptititude for foreign activities were selected to be part of the intelligence service, or to become a dormant source" (p. 3.448/3.461 of file 204).

This summary by Mesbahi is consistent with the information provided by the Secretariat of Intelligence to the effect that each "source" had to learn the local language and customs with a view to weaving himself into the social fabric as just another inhabitant. With this goal in mind, the "contact" that was waiting to receive the source in the target country generally obtained an apartment and a job and/or activity for him so as to legitimize the source in the eyes of immigration

officials. This resulted in many Iranians having endless college careers studying subjects such as medicine; or they became taxi drivers (p. 1.607/1.677 of case 1627).

Hence the use of the term sleeper cell or source reflects the absence of direct and/or open contact between the individuals that made up these entities, who in the back of their minds were waiting for their future mission, which was to be entrusted to them by an individual that had direct contact with the entity that was orchestrating the operation (report by the Secretariat of Intelligence, p. 1.607/1.677 of case 1627).

Gustavo de Arístegui[18] has written the following concerning the purpose and makeup of the dormant sources: "Iranian terrorist groups have learned a great deal from their own mistakes and from the experiences of non-Islamic organizations. In fact, security has become their main obsession, not in order to avoid the capture or death of their members, but rather to guarantee the success of their operations. Thus Islamic cells have some legal elements. What I mean are individuals who live perfectly above-board lives and are fully integrated into the societies they live in. And then on the other hand they also have illegal or clandestine elements, either to avoid being investigated by the police or security officials, which is why the Islamic community they have selected as a target must not learn of their existence; or to avoid having their activities detected by government agencies in the country." (*Las claves para entender el terrorismo Yihadista*, Buenos Aires Ediciones B, S.A., 2004, p. 286-287).

[18] Spanish diplomat, speaker for a group known as Grupo Parlamentario Popular de Espana. He served as deputy head of the Spanish embassies in Tripoli and Amman, and in his capacity as an expert on Islam was a member of the Comision Nacional de Libertad Religiosa [National commission on freedom of religion]

De Aristegui then goes on to describe the two types of cells. The first consists of individuals that are recruited from the Muslim community in the country that is the target for the attack. Thus these tend to be people who have resided in the country for many years, lead a perfectly normal and above-board life, and do not attract suspicion of any kind. From this group, individuals are selected that have been radical Islamic activists for many years, and these individuals are assigned key logistics activities.

The second type of sleeper cell comprises those that are implanted by terrorist organizations with a view to activating them at the opportune moment.

The members of these groups are trained and experienced, and like the first type, lead a normal life (op. cit, p. 287-288).

In the majority of cases, the sleeper cells (both types) do not know in advance which kind of operation they are going to be carrying out, nor do they know who they will be attacking, although they do know that sooner or later they will be called upon to act (op. cit., p. 287).

In this regard, Yves Bonnet noted the following: “There are individual cells that don’t know of each other’s existence and have no contact with each other. This ensures that if a member of either type of group is caught, they cannot provide any information about the other group" (p. 990/995 of file 209).

As for the actual activities that an activated cell could carry out, Mesbahi indicated that once activated, the cell’s task was to make contact with student and Islamic groups, and obtain technical equipment and/or infiltrate political organizations. Toward this end, they gathered information – for

example about the Jewish community – and communicated it to their station head. This information was passed on at purely Iranian events or at religious ceremonies, and in encoded form by fax or phone (testimony by Abolghasem Mesbahi, p. 141 of file 204).

As indicated above, Mesbahi's testimony is consistent with reports from the Secretariat of Intelligence (p. 1.607/1.677 of case 1627 and p. 727/775 of file 204, respectively). The first of the foregoing indicates that the missions entrusted to the sleeper cells ranged from gathering information on political and/or religious targets to recruiting citizens and converting them to Islam.

The cells rented vehicles, houses, and apartments, and transported materials for use in the attack or for information compiling purposes. According to the Secretariat of Intelligence's reports, a group leader was designated, preferably a religious fanatic. This group leader entered the country as a student and then proceeded to look for a low-skill job so that he could adapt to the conditions of the country and form close relationships or marry an Islamic woman who had a residency permit, so as to enable the individual to infiltrate the local Islamic community more easily. Once the group leader accomplished this, he began his recruitment activities among students, cultural centers and community organizations. He assigned tasks in accordance with the skills and abilities of each candidate. In the final stage, which was referred to as "legalization", the group leader opened a small business.

Gustavo de Arístegui reinforces this hypothesis when he writes that the security related instructions given to the various cell components are[19] extremely strict, to the point where they are forced to maintain complete secrecy and are not permitted to disclose any of the information that is imparted to them, notwithstanding the fact that since they function as a cell, all of the members are not aware of all of the relevant information, since only the head of the group manages it (op. cit., p. 287).

The fragmented makeup of the cells, as well as the care and cleverness that were exercised in selecting their members, appears to have furthered the envisaged aims. The cover activities were efficient, and it was very difficult to determine exactly when the cells were activated. This explains why such iron discipline was imposed on the members of the cells, for this practice was a natural outgrowth of the very nature of these cells, since any leaks of information would have precluded carrying out the envisaged operations.

This element appears to have been present in the AMIA attack as well. It was found that the operation was divided into three stages each of which was carried out by different individuals who in many cases did not communicate with each other at all. For example (as will be shown in the relevant passages below), it seems that various cells gathered the information that was necessary to make the decision to carry out the attack; and that once this decision had been made, basically three groups were formed: a local logistics group, a logistics group in Iran, and an operational group.

[19] Translator's note: *[sic]* in the Spanish. In numerous other places as well the Spanish inexplicably slips out of its avowedly historical framework (the period leading up to the AMIA attack) and gives the (probably unintentional) impression that it is referring to the current state of things.

The lack of communication between the various cells indicates that there was a coordinator who was in charge of interconnecting these groups to the extent necessary for the operation.

d.5.d) Cover businesses

Another element in the Iranian operational infrastructure that we need to take into account is constituted by the so called cover businesses whose social purpose was perfectly above-board, although their structures, contacts and operational capacities were approved by Iranian government for purposes of carrying out illicit activities such as financing terrorist organizations; facilitating the movement of persons, documentation and information; espionage; logistics support, and so on.

Abolghasem Mesbahi stated as follows in this regard: "The cover businesses had two missions: generating income; and manipulating sources and providing them with ample cover" (p. 3.448/3.461 of file 204). Mesbahi then observed that the company known as GTC (Government Trade Corporation) carried out numerous useful intelligence tasks for Vevak, whereas the shipping company Iran Shipping Lines was owned by Pasdaran (p. 3.448/3.461 of file 204). Mesbahi also stated as follows: "Iran Shipping Lines is a shipping company that is managed by the Revolutionary Guard, and that coordinates all of Iran's illegal business activities. This includes tasks such as transporting people illegally from one country to another, issuing false shipping documentation, or altering commercial documentation by changing the designation of the goods listed on the documentation. They also carry out kidnappings (testimony before the *Tribunal Oral en lo Criminal Federal No. 3*, p. 4.105/4.137 of file 204).

Likewise noteworthy in this regard is the information provided by Ali Reza Ahmadi and Hamid Reza Eshagi (Iranian defectors living in exile in Paris), who stated that the Iranian government successfully infiltrated its operatives into the structures of other countries by creating "fictitious

businesses" (p. 502/507 (reverse) of file 313). It should be noted that although the standard meaning of "fictitious business" is different from that of "cover business," in view of the context in which it was used and the activities that the witnesses were referring to, the conflation of the two terms makes sense since they both allude to the same phenomenon, namely businesses with illicit aims.

With regard to such businesses, a U.S. congressional report stated that in early 1993, two high Iranian officials initiated a project aimed at establishing a network of logistics support elements based on a series of front companies that had no clear connection with Iran. This network provided logistics and material support, as well as arms and technology (p. 2.679/2.694).

Finally, the Secretariat of Intelligence stated that Iran carried out its actions surreptitiously by camouflaging them behind business structures that were formed in a normal fashion, a method that enabled Iran to conceal many of its activities. This also enabled Iran to benefit from the advantages that the actions of these persons (who led exemplary lives) provided for the intended aims, since there was little risk of detection by local authorities (p. 39/41 of *Informe Internacional*).

d.5.e) Safe houses

The term "safe house" was coined by foreign intelligence services and is now an accepted term in the international sphere. The term refers to a location used by terrorists as a hideout or meeting place (p. 6.011/6.094 of file 3). In his testimony. Abolghasem Mesbahi pointed out the importance of this element in the overall system by stating the following: "...safe houses (...) are used to store valuable information such as data concerning Israeli targets, maps, information concerning zones that may or may not be under surveillance, the vehicle used during an operation, and so on" (p.

3.448/3.461 of file 204). This shows how extremely important safe houses are for the operations carried out by fundamentalist Islamic groups. And thus this element merits particular attention.

Referring to the features that a safe house needed to offer, Mesbahi stated that the indispensable criterion was that “the locations that were used, whether for arming an explosive device or for lodging, had to be places where the members of the operational group did not have to identify themselves.” In other words, places where the presence of the persons that frequented the location would pass unnoticed, and would not be documented or recorded in any way (p. 3.448/3.46l of file 204).

Mesbahi went on to say that “the first priority in selecting a safe house is security, and the second is distance" (p. 3.448/3.46l of file 204), both of which characteristics will become apparent in our discussion of the modus operandi of the group that carried out the AMIA attack.

In view of the need on the part of terrorist groups for a physical space for essential tasks such as storing explosives and arming bombs, the existence of a site that meets the criteria described by Mesbahi takes on greater importance. He indicated that information concerning the location of the safe house was carefully protected.

It should also be pointed out that in verifying the various actions in which Iran was implicated, several pieces of evidence came to light that allude in one way or another to the use of safe houses by terrorist groups, thus corroborating the aforementioned assertions in this regard. For example, Kenneth Timmerman stated with regard to the AMIA attack that "they might have used a security team that had various safe houses" (p. 76/80 of file 352).

Hence, far from being a merely theoretical construct, the existence of safe houses has been clearly established in various cases. For example, the existence of a safe house was detected in connection with the aborted attack in Bangkok, which was analyzed in detail above.

In addition, and in keeping with the aforementioned facts, a police action taken by Croatian security officials also bears mentioning here, namely raids on various safe houses used by a Hezbollah cell that was operating in Croatia. In these raids, the Croatian police found arms and explosives and discovered evidence of a direct link between the Hezbollah cell and the Iranian embassy in Croatia (p. 100 of *Informe Internacional*). And finally, Mesbahi stated as follows in

his testimony: "...it is clear that they had a secure place where they armed the bomb inside the car" (testimony before the *Tribunal Oral en lo Criminal Federal No. 3*, p. 4.105/4.137 of file 204). This verifies the existence of least one safe house in the AMIA attack, whose exact identity is still under investigation in the hope that current investigations aimed at this goal will produce positive results in the near future.

d.5.f) Mosques

We shall now analyze the role played by mosques within the Iranian system that is being discussed here. Fundamentalist elements regarded mosques in particular – as well as any other location that served as a meeting place for the Muslim community in a country that had been designated as a "target" – as suitable venues for the realization of intelligence activities and the recruitment of individuals that sympathized with the fundamentalist cause. In his testimony, Abolghasem Mesbahi noted the following in this regard: "...The basis for information gathering (...)

is the mosque, and when they initiate contacts with the Iranians, if they meet in a mosque they trust the Iranians more quickly because they think the Iranians have the same ideology as they do. However, this doesn't mean that 100 percent of the people that are at a mosque are sources for the Iranians, but generally the best sources can be found in these locations" (testimony before the *Tribunal Oral en lo Criminal Federal No. 3*, p. 4.105/4.137 of file 204). In terms of this statement, the analysis of the mosques is of crucial interest.

We are of course not trying to make the case here that mosques are hotbeds of terrorist activities, and that all persons that frequent mosques practice terrorism or are terrorist collaborators. This statement is also borne out by the unacceptable assumption that just because some Muslims have a fundamentalist and radicalized vision of Muslims, they must be radical and fundamentalist. The existence of mosques and the manner in which they (or the house of worship of any other religious group) functions in a country whose constitution guarantees freedom of religion is an issue that is completely unrelated to the matters being considered in the present report.

That being said, what we do want to make clear here is that Iranian operatives frequented mosques, infiltrated them, and clandestinely (and through subterfuge) attempted to recruit Muslims that these agents felt might be sympathetic to the extremist views that they professed. In other words, the Iranian operatives took advantage of the completely legitimate activity of practicing a religion and of the special spiritual predisposition of those who practiced it, to spread their fundamentalist view of Islam and to persuade individuals who sympathized with this view to work with these agents. Once this objective had been achieved – namely the recruitment of human resources – the activities that were assigned to these individuals clearly had little or nothing to do with the well intentioned practice of the Islamic faith.

Thus for example, when it came to the objective of realizing a terrorist attack, the mosque constituted an appropriate venue not only for recruiting individuals, but also for use as a front that could be used to conceal illegal activities related to the terrorist act.

In this regard, Gustavo de Arístegui – in keeping with the key role he feels Islam plays within the terrorist infrastructure being described here and in discussing the recruitment and training of terrorist operatives – states that this transformation required extensive indoctrination, a process that was realized in both clandestine and official mosques, as well as in fundamentalist Islamic academies (op. cit., p. 281-286).

The author goes on to say that monitoring radical mosques and Islamic academies was one of the most obvious and pressing means that Iranian intelligence and security operatives had to adopt, since institutions spawned the fanatics that were amenable to being transformed into terrorists. Moreover, these institutions provided the operatives with the requisite cover and allowed them to instill fanaticism in prospective terrorists (op. cit., p. 281-286).

Experts on terrorism have noted this intriguing change in terrorist methodology consisting of the ever more important role played by mosques. One of these experts, Bruce Hoffman, testified as follows before the Argentine Chamber of Deputies: "Instead of taking advantage of established terrorist organizations, increasing use is being made of more permeable and ad hoc structures (...) Thus we see a pattern emerging in terrorism. In the past they[20] provided us with the answers; but today they are much more reluctant to provide us with these answers.

[20] Translator's note: It's unclear what "they" refers to here and in the next sentence, and which "answers" are meant (possibly a result of the quote being taken out of context)

Instead of doing this, they are increasingly taking advantage of this type of consolidation into ad hoc structures, in some cases consisting of individuals that share a similar mentality, that have a certain ideological link or share the same faith and attend the same mosques and are part of the same broad currents" (p. 778/915 of file 267).

In this same line of argument, Hans Vorbeck, who is a German expert on terrorism,[21] stated that "the meeting places for members of Hezbollah are mosques, Islamic centers, and Muslim-run businesses" (p. 10/12 of file 204).

Apparently, the Ministry of Islamic Culture and Guidance (Ershad) was in charge of cultural and religious activities and spreading the Islamic revolution in foreign countries; and thus Ershad was also in charge of establishing mosques, cultural centers, associations, brotherhoods, student organizations, and religious services throughout the world. It is certain that these activities often provide cover for Vevak personnel, which once again corroborates the hypothesis that has been advanced here (p. 26 of *Informe Internacional*).

d.5.g) False documents

Although it is basically obvious, we should mention that one of the indispensable elements of the "matrix" was the procurement and use of false documents, which served to mask the identity of the persons implicated in the operation and helped keep any suspicions at bay in the event an investigation was launched.

Issuing false passports did not appear to pose any serious difficulty for the Iranian government. It was sufficient to provide the original passports and insert the false information. In this regard, Hadi

[21] Translator's note: The Spanish also says, cryptically, that Mr. Vorbeck was "a government director *[sic]* in September 1997."

Roshanravani stated that "obtaining false passports is very simple" (p. 129/136 of file 209). Mesbahi described the procedure this way: “A legitimate passport that had been issued in the normal way, but the name was an alias. You can be sure of one thing: no signs of falsification were discovered when these passports were checked by customs officials" (p. 141 of file 204).

The existence of this practice is supported by numerous pieces of evidence. Nearly every person that was interrogated concerning the AMIA attack made statements to this effect. For example, Manoucher Ganji stated that “many of these people did not give their real names, to the point where if you mentioned their names in Iran, nobody realized they were Iranian. In other cases, the surnames that Argentine authorities were provided with are in fact given names, or refer to a specific attitude toward something, or a joke" (p. 65/69 of file 352). The defectors Ali Reza Ahmadi and Hamid Reza Eshagi said much the same thing: “The majority of the first and second secretaries are agents of the Ministry of Intelligence. These officials change their names as soon as they’re designated so as to ensure that their real identity doesn’t appear on their passport" (p. 502/507 (reverse) of file 313). One extremely significant example of this (it was related by Abolghasem Mesbahi) is the embassy’s Third Secretary and diplomatic consul Ahmad Reza Asghari, whose real name was Mohsen Randjbaran (p. 381/416 of file 204).

And indeed, if we pass in review the various operations that the Iranian government had a hand in, whether directly or indirectly, we clearly see that this method was widely used. For example, in the case of the assassination of Chapour Bakthiar and his secretary Sorouch Katibeh, the perpetrators of the attack used false passports (p. 5.820/5.823 of file 263). The men who killed Kazem Radjavi left Switzerland using false documents and with the assistance of Iran Air personnel. And the commander of the Quds Force, Mohammed-Ja'far Sahraroudi, who was involved in the assassination of the Kurdish leader Abdul Ramman Qassemlou, was arrested by

Austrian police for carrying a false passport bearing the name Rahimi (p. 2.143/2.343 of file 209, from the official translation of the work by Mohammed Mohaddessin mentioned above).

Mesbahi testified that the head of the group that led the AMIA operation entered Argentina with a Greek passport and never again used this identity or document, since it was to be used for AMIA bombing only (p. 141 of file 204).

Witness A observed that "it was found that the it was preferable to use people with false European passports so that no one would suspect that Iranian or Lebanese documents were being used (p. 4.560 of the main case and p. 56/86 of file 313).

Referring to a specific operation that was carried out in Israel, Ariel Merari[22] described a variant on the aforementioned method, namely falsifying passports from other countries: "...Some years ago, Hezbollah decided to carry out a terrorist attack in Israel. Hezbollah had many ties with the Hamas and Palestinian Islamic Jihad organizations, which would have enabled them to have Palestinians carry out the criminal act. But they didn't do this, and instead brought in a Hezbollah official from Lebanon – from the Mikdada clan, which is an important Hezbollah clam – and gave him special training for this particular operation. They also gave him a false British passport and then sent him to Europe, and from there he entered Israel to carry out a bombing attack..." (p. 935/939 of file 267).

This clearly shows that the immediate goal of the method used by the then-Iranian government was to make the participants in a terrorist attack anonymous, and – in the event any of the

[22] Holder of a Ph.D. in psychology from the University of California at Berkeley and an author who is an expert on terrorism. Director of the Unit for the study of political violence at the University of Tel Aviv. Senior fellow at the Kennedy School of Government at Harvard University.

perpetrators of the operation were captured – difficult to link with the Iranian government. In every case, the ultimate purpose of doing this was to ensure that the operation would be successful.

d.5.h) Car bombs

Before we begin our detailed analysis of the operational modality of terrorist acts, we must first point out another common element of the "matrix" that has been described thus far, which is the use of car bombs.

The key role played by this implementation method has been pointed out by Ariel Merari (among others), who has stated that although "Hezbollah is not the only organization that has carried out car bombings [Mr. Merari mentioned the IRA and ETA] (...), it is an organization that specializes in the use of car bombs." Merari points out that "there aren't many organizations in the world that carry out suicide attacks with bombs, and even fewer with car bombs. Hezbollah is practically the only organization that realizes these operations" (p. 778/914 of file 267).

James Bernazzani said much the same thing, stating that Hezbollah's terrorist operations are realized in particular using suicides and car bombs. He pointed out that the distinguishing feature that characterized operations organized by Hezbollah was "the use of a suicide in a vehicle directed at an important political, military or symbolic target" (p. 24.883/24.889 of the "'Embassy" case).

Cognate with this, Abolghasem Mesbahi testified that a car bomb was used in operations that were orchestrated and sponsored by Iran. He stated as follows in this regard: "...Diplomacy by taking hostages was realized between 1984 and 1987. They took hostages in Lebanon to put political pressure on this country. The diplomacy of trucks occurred from 1987 until 1995, which

entailed the use of truck bombs that were detonated at central targets or near them, each time Israel undertook any kind of action against Iran." (testimony before the *Tribunal Oral en lo Criminal Federal No. 3*, p. 4.105/4.137 of file 204).

In the same vein, Hadi Roshanravani maintained that the attack modality involving the use of a car bomb was "invented" by the Khomeini regime (p. 129/136 of file 209).

In addition, a detailed review of the various attacks perpetrated by Iran and Hezbollah clearly shows the validity of the statement made above, namely that car bombs were used in these attacks (report by the Office of International Criminal Justice at the University of Illinois, p. 317/339 of file 270).

Mesbahi made numerous statements concerning the modus operandi that was established for attacks involving car bombs, such as the following: "They look for vehicles that won't attract the attention of the police (...) They almost always steal the car or truck..." (testimony before the *Tribunal Oral en lo Criminal Federal No. 3*, p. 4.105/4.137 of file 204).

Without going into the relevant technical issues, it should nonetheless be pointed out that the mere existence of a vehicle with a small amount of explosives inside it does not meet the criterion for "car bomb" that we are discussing here. In fact, a car bomb has specific characteristics such as the activation system, the detonator, and the explosive charge (see the report by *Comisaría General de Información del Ministerio de Justicia e Interior del Reino de España*, p. 15.014/15.026).

In the same vein, Vaught S. Forrest and Yossef Bodansky (members of the Investigating Committee[23] of the U.S. House of Representatives) stated in their report (p. 3.752/3.762 of file 392) that the actual assembly of the bomb is left to experts, since it is a complex task. This information is consistent with that provided by Witness A, who stated that "there is generally an explosives expert among the individuals involved" (p. 56/86 of file 313).

Abolghasem Mesbahi observed the following with regard to the preparation and arming of car bombs: “They usually steal the vehicle, take it to a garage, repaint it a different color, and then figure out how much space they need to install the bomb (...) They usually use the trunk, and if it’s a truck they use the toolbox compartment, or the place where the spare tire is kept" (p. 381/416 of file 204).

Mesbahi also stated that “the mechanism used to arm the bombs has two keys, one to arm the bomb, which they leave armed so that the bomb is ready to explode, and the other to detonate it (...) because they can use a remote control.” Mesbahi added the following: “Normally the arming key of the explosive is within reach of the driver and a third person triggers the explosion from a remote control. But it can also happen that the driver has both keys, and he arms the bomb with one key and detonates it with the other” (p. 381/416 of file 204).

[23] Translator’s note: The reference is incomplete here in the Spanish; it appears accurately elsewhere in the text.

d.5.i) Operational groups

There is an international consensus that attack groups (also known as commando or operational groups) whose task is to execute the actual operation do in fact exist. They are structured in such a way that their members remain anonymous through the use of false passports. Moreover, in the event they are caught they are unable to provide any useful information concerning their fellow operatives and the course of action that is to be followed, since they are only familiar with the details of their own segment of the operation.

This fragmented structure strengthens the security of the group, and has two other advantages besides: It facilitates the replacement of missing elements, and makes it extremely difficult for investigators to get to the bottom of the group's activities.

In this regard, Abolghasem Mesbahi stated that Vevak "has between eight and 12 operational groups, each of which has 12 members. (...) Only the leader of the group knows who the members are (...) No member of the operational group is local, but they take advantage of all the resources available in the location" (p. 3.448/3.461 (reverse) of file 204).

Mesbahi also indicated that the operational group is divided into the following three squads, according to the missions to which they are assigned: logistics; cleanup; and the operation itself. The logistics squad, which is the first to go into action, transports the explosive from its secure storage location to the site where the car bomb is to be armed. This group also obtains all of the items needed by the operational group in order to carry out its mission efficiently. It is essential that the site selected for arming the explosive be a location where the group will not have to identify

itself. Once the members of the logistics group have carried out the operation, they leave the country. In order for a site to be found for arming the car bomb, a sleeper cell has to go into operation. After accomplishing their task, they revert to their former condition (p. 3.448/3.46 l of file 204).

As for the cleanup group, its job is to eliminate any traces of the operational group's activities so that the group remains undetectable both during and after the operation.

Most cleanup group members are federal Iranian policemen (p. 3.448/3.461 (reverse) of file 204).

The operational group has five or six members, nearly all of them Lebanese nationals. Their job is to take the vehicle out of the parking lot and to spend the next 30 minutes driving up and down specific streets so as to make sure they're not being followed. This operation is known as "cleaning." Mesbahi added that in addition to the truck, other vehicles are assigned to such operations, and one of them can be a motorcycle (p. 3.448/3.46l of file 204).

The modus operandi is defined in advance. One vehicle tails the van as it leaves the parking lot and for the first few minutes makes sure that it is not being followed. This surveillance car then peels off from the van and drives to a location near the destination, which is the safe house where the bomb is to be mounted in the van. The second vehicle is parked at a prearranged midpoint on the van's route to the safe house. When the van in which the explosives are to be loaded passes this point, various signals are used to indicate that everything is going according to plan, i.e. that the van isn't being followed. A signal to indicate that everything is okay would be that the car stays

where it is. On the other hand, if the car pulls out and passes the van, the operation is aborted (p. 3.448/3.46l of file 204).

Once the van has been loaded with explosives inside[24] the safe house (which takes about 30 minutes), the van leaves the safe house followed by one of the surveillance vehicles, while the second car waits near the target. The two vehicles communicate via cellphone. If something unforeseen occurs that makes it necessary to abort the operation, the rule is that the bomb must be detonated immediately. The vehicle parked near the target is supposed to film the operation and verify the results. The filming can also be done from a building near the target. On completion of the operation, each vehicle drives to a different location and the members of the operational group leave the country for different destinations (p. 3.448/3.461 (reverse) of file 204).

As a rule, no member of the group except its leader knows the identities of the group members. Once these members have been selected, they arrive in the target country alone, with false documentation, and then leave the country, likewise alone, and usually travel to a tourist destination. This is done in all cases in order to allay any suspicions and slow down any pursuit that might ensue (p. 3.448/3.461 (reverse) of file 204).

In reference to the AMIA attack, Kenneth Timmerman stated the following: "There must have been a surveillance team, a team that readied the explosives, and another team that coordinated the escape after the operation had been carried out. I also think that they might have used a security team that used various safe houses and realized the communication. They needed to have local

[24] Translator's note: *[sic]* in the Spanish. Presumably a garage is meant.

people who took care of the financing of the operation, as well as a person who coordinated all of the teams" (p. 76/80 of file 352).

d.5.j) Suicide bombers

As with the use of a car bomb, the presence of a terrorist suicide constitutes an inherent characteristic of the actions associated with Islamic fundamentalism that are being discussed in the present report.

Indeed, over the years suicide bombings have become the main attack method used by extremist Islamic groups.

The subject is a highly delicate one, and the philosophical and religious underpinnings for this practice far exceed the scope of the present report. We will therefore limit ourselves to describing the basic aspects of this practice.

Ariel Merari defines the following four types of factors that have an impact on suicidal behavior: cultural, indoctrination, situational, and personality-related.

Merari says the following with regard to the first factor: "...Culture (including religion) can affect behavior in two main ways: it establishes norms that are related to the circumstances under which a person may commit suicide (...) and influences people's concepts (and expectations) concerning the question as to what happens after death" (*The origins of terrorism*., edited by Walter Reich, p. 211).

With regard to the second factor, Merari states as follows: "Indoctrination can play a dual role in terrorist suicide. The first is basically an educational process by means of which a person becomes

convinced of the importance of the cause and the means that are necessary in order to put it into practice. This phase can be of prolonged duration and it is difficult to identify the agents that exercise an influence on it, although they can include parents, friends, authors, and other agents of socialization. The second type of indoctrination is persuasion aimed at completion of the mission by the person that is destined for suicide. This dimension can be taken in charge by a charismatic political, military or religious leader. This type of indoctrination is of relatively short duration and occurs shortly before the suicide mission is carried out" (op. cit., p. 214).

As for the third factor, the author states: “This type of factor includes conditions and circumstances under which the act of suicide is committed” (op. cit, p. 215).

As for the final characteristic, Merari says the following: “The mere fact that the majority of terrorists have never committed suicide or attempted to do so demonstrates the importance of personality traits in terrorist suicide. The majority of psychological theories on suicide hold that personality traits and intrapsychic processes are the most important factors in self destructive behavior" (op. cit., p. 217).

In addition, the origin of this methodology is rooted in (among other factors) the recognition, on the part of Islamic fundamentalist countries and groups, of their own military inferiority to their main enemies in conventional war. This situation obliges these countries to resort to force, through the use of unconventional arms and methods that allow them to create genuine opportunities to score victories (see the translation of the article entitled *El Hizbollah, El partido de Dios*, p. 2.423/2.521 of file 263).

Thus during the period leading up to the AMIA attack, a member of Hezbollah by the name of Hussein Moussawi justified suicide bombing as follows: “If oppressed peoples do not have the means to confront the U.S. and Israel with arms that will put them in a superior position, then we must use unknown arms." The spiritual leader of Hezbollah, Sheik Fadlallah, stated that there is no difference between carrying out a mission with a firearm in your hand knowing you are going to die, and exploding your own body with a live bomb, inasmuch as: “If self defense and defending territory and destiny are legitimate acts, then any means of self defense is legitimate" (p. 2.423/2.521 of file 263).

In analyzing this matter from the standpoint of a religious vision, we need to consider the following statement by the former secretary general of Hezbollah, Abbas Moussawi, who emphasized the combatant’s decision to commit himself to Islam and his special relationship with God: “To die in combat against oppressors and an unjust social order does not frighten an adherent of Islam, but is instead a liberation, and a path to spiritual peace and a life in perfect harmony with God;” and “Nonetheless, when a Muslim goes to war, his desire is to seek martyrdom" (see the translation of the article cited above, p. 2.431/2.521 of file 263).

In this regard, it should be noted that Islam takes an extremely strict and serious view of the act of suicide if it results from a personal decision that is devoid of any other connotation, to the point where some Muslims do not pray for people who commit suicide, since according to the tradition, “a person who commits suicide is consigned to hell.” Hence a distinction must be made between the latter type of suicide and an action known as “istishahad,” which is a religious precept that consists in committing suicide with a view to carrying out an attack against all persons or things

that could affect the foundations of Islam. In this radical view, “suicide” is like “shahid,” which means that the person who commits suicide is a victim who has fallen in the name of Islam and whose “death in combat against the heretics” is regarded by Islam as a sure path to paradise (p. 22 of the Annex "Metodología Operativa" of *Informe Internacional*).

In view of all this, Abolghasem Mesbahi and Hadi Roshanravani state that in order for a terrorist suicide to occur, an order must be issued by the Iranian Spiritual Leader, who issues the order to the person with the instruction to obey, and this results in the “key to paradise,” since suicide runs counter to the teachings of the Koran (p. 3.448/3.461 (reverse) of file 204 and 129/136 of file 209).

We can then say, based on the chain of reasoning outlined above, that the concept of a model of “altruistic suicide” is based on the social norm of self-sacrifice. Nonetheless, this type of suicide contains an element of coercion that prevents a person who has decided to commit suicide from changing their mind. Moreover, this circumstance (in combination with what was said above) involves a distinction between the behavior of an Islamic terrorist suicide and that of terrorist suicides in general, in which case there would be a larger number of factors that could potentially prevent the suicide’s death (p. 24 of the Annex "Metodología Operativa" of *Informe Internacional*).

Finally, Martin Kramer[25] has elucidated the justification for the existence of terrorist suicide as follows: “There are Muslims who have proposed changes in certain political scenarios, including the one where dying in the act will further the cause. The deaths of these persons are not a tragedy, nor do they indicate the presence of a deranged mental state. This death is calculated. Far from

[25] A specialist on contemporary Islam and Arab politics. Did his postgraduate and doctorate work at Princeton and Columbia. Served as director of the Moshe Dayan Center for the Study of the Middle East and Africa at Tel Aviv University. Has taught at various universities including the University of Chicago and Georgetown University.

being a death of desperation, it is a death that is determined to serve a living cause" (*The origins of terrorism,* edited by Walter Reich, p. 159).

According to Kramer, this also includes some Hezbollah clerics who promise certain rewards to those who carry out attacks for the benefit of Islam: "We believe that those who carry out suicide attacks against the enemy will in fact go to heaven" (op. cit, p. 160).

In this regard, Abolghasem Mesbahi stated as follows: "Preparing for suicide is a one to two year process that is realized in an emotional and religious ambience. Moreover, the suicide does not go alone, but is instead accompanied by a group of four or five persons who comprise the operational group that the person is a member of" (p. 381/416 of file 204).

Although the suicide is generally aware of the role his act will play in the operation, he definitely does not know the details of his mission, to the point where he goes on hoping until the final moment that the order to proceed will come without any information being revealed until then. This person leaves Lebanon and immediately upon his arrival makes contact with people (usually businessmen) who are familiar with the place to which he has been sent (p. 141 of file 204 and the testimony of Witness A, p. 56/86 of file 313).

In line with the statement by the aforementioned witness, the suicide is generally a Lebanese national that has lost family members (p. 56/86 of file 313).

According to Abolghasem Mesbahi, the suicide driver must familiarize himself with the vehicle and must also study the route from the safe house to the target. Toward this end, four alternative routes to the target are selected with a view to preventing the operation from being aborted owing

to an unforeseen event such as a traffic jam. The suicide driver tests out these routes with various vehicles, but never with the van that will be used in the attack, so as to avoid detection of the van in the area where the target is located. After the martyr has died in the attack, religious ceremonies are held on the seventh and fortieth days after the event, but only if the security conditions are right[26] (p. 3.448/3.461 (reverse) of file 204).

Thus far we have described how the suicide bomber participates in the execution of the attack. However, we would also like to mention the other statements that were made in the same vein by Abolghasem Mesbahi, Manoucher Moatamer, Manoucher Ganji and Reza Zakeri Kouchaksaraee – to mention only a few of many examples of testimony that substantiates the hypothesis presented above; as well as various studies of terrorism and experts on the subject such as Gilies Kepel, Kenneth Timmerman, Bruce Hoffman and Ariel Merari, all of whom in one way or another substantiated the suicide modality used in various terrorist attacks that were perpetrated by the regime in Teheran at the time, and its armed wing Hezbollah (p. 1.000/1.001 of file 209, p. 76/80 of file 352, certified photocopy of testimony in the "Embassy" case, p. 1.294/1.296 of file 201; certified photocopy of testimony in the "Embassy" case, p. 935/939 of file 267, respectively).

Finally, it should be borne in mind that although Iran's leaders and the cleric leaders of Hezbollah promote and support suicide attacks, they themselves keep such practices at arm's length. Professor Gilies Kepel affirmed this when he said, "The combatants are convinced that committing these acts will open the doors to paradise where 72 virgins will be waiting for them; whereas those who

[26] Translator's note: In a number of cases (here for example), citations from testimony/statements have no quotation marks around them in the Spanish. It is not possible to tell if this is an oversight or if the testimony is being paraphrased.

dispatch them base their actions on logic and exalt fanaticism in order to mobilize people, and convince them to kill themselves or others." (p. 1.000/1.001 of file 209).

Kenneth Timmerman reaches the same conclusion, stating in regard to the use of suicides by the Iranian government of the period, that “Iranian intelligence officials don’t commit suicide" (p. 76/80 of file 352).

e) Conclusion

Our description of the so called “terrorist matrix” shows that the then-government of Iran used terrorism as a valid tool to obtain its objectives. And to reach them, it used this particular carefully and precisely structured model that left nothing to chance at any moment. As has been shown, Iran’s most senior officials participated in the process of approving attack operations. In point of fact, Teheran sought to leverage to the maximum, though not openly, all of the resources at its disposal, by routinely employing the tools that have been described. In this model, success, security and unpredictability constitute dimensions that are extremely relevant within the terrorist infrastructure we have analyzed here. While this infrastructure did not guarantee Iranian officials success, it increased their chances of achieving it.

Another important aspect of this matrix is the totally interlocking relationship between its various elements. They were have been described separately so as to allow for a better understanding of the matter, despite the fact that in reality these elements acted neither independently or alone. To the contrary: their gears intermeshed and overlapped with each other from both a temporal and functional standpoint, thus enabling various elements to function concurrently and in a coordinated fashion, which is exactly what they did. This was strictly necessary in order for the matrix to be

coordinated properly, and so that a single leader could organize and coordinate the various activities. This function was in fact performed by the Iranian Ministry of Intelligence.

V. THE DECISION TO CARRY OUT THE AMIA BOMBING

a) The decision makers

Before beginning our discussion of the specific decision that was made at the time by the highest officials in the Iranian government, which decided to carry out an attack against AMIA in Buenos Aires with a view to "exporting the revolution," we feel it would be useful to outline the mechanism that was used to reach this type of decision.

In this context, when a concrete proposal was made by the "Office of intelligence," the Committee for Special Operations (Omure Vijeh) was the body that debated the plan and decided whether to carry out a terrorist operation.

The testimony and other elements of proof in the case show that the committee that decided to go ahead with the AMIA attack was made up of the Spiritual Leader, the president of the Republic, the minister of intelligence and the foreign minister.

And although the various witnesses heard in the case refer to a large number of Iranian

government officials, these witnesses all give different testimony as to the number and identity of the remaining actors. And thus it seems that until such time as elements emerge that could dispel any doubts in this regard, it has been proven that these remaining actors were (with the exception of the Spiritual Leader Khamenei) the previously mentioned officials who were to be in charge of the

operation, although it has been substantiated that they were members of the aforementioned committee at a minimum.

Once the operation was approved, the Spiritual Leader issued a fatwa that authorized the action and legitimized it from the standpoint of Islamic law, in whose eyes the action would have otherwise been a crime. On the basis of the fatwa, a specialized entity was tasked with carrying out the operation, a responsibility that was generally taken in charge by the Ministry of Intelligence, the commander of the Quds Force, or both at once. These individuals took charge of implementing the attack and realizing its central logistics, whereas in cases such as the AMIA attack, the operational phase was assigned to Lebanese Hezbollah, which was ideologically and financially dependent on Iran.

Against the backdrop of this outline of the procedure that the Iranian government used at the time to decide to carry out terrorist operations, it is noteworthy that this procedure was used not only for the AMIA attack, but in other instances as well. Foreign courts that investigate terrorist operations have also alluded to this modus operandi that was employed by the Iranian government.

For example, in its ruling on the Mykonos case (analyzed above), the Superior Court of Berlin stated as follows:

"Fallahijan presented the results of his investigation to the Committee for Special Operations, which was the sole instance that had the authority to make decisions on security matters of major importance. These decisions exceeded the competency of various domains, and owing to their relevance, could not be discussed in the official institution of the Supreme National Security Council. This committee was in charge of cases involving the assassination of regime opponents abroad. The formation of this committee was the outgrowth of the 'sovereignty of the men of law'.

It was not part of the constitution and in fact was at a higher level than the government and parliament. Its members were as follows: the president of Iran; the minister of the Iranian security service Vevak; the foreign minister; representatives of the security apparatus and other organizations; and finally the 'Leader of the Revolution' (...) The decisions adopted by the Committee for Special Operations involved the execution of operations, especially abroad (...) If the operation in question involved an assassination, in his capacity as political instance the Leader of the Revolution, was the person who issued the order to carry out the operation. Operations that the committee decided to carry out were regularly entrusted to the committee member that was implicated in the aim of the operation and was most suitable for its realization. This member in turn entrusted the actual realization of the attack to a designated leader of the group, who had experience with the struggle, was skilled and trained, and who selected his people for an 'attack group.' And these were the individuals who had the authority to make the final decision to carry out the attack. This model was adopted for the AMIA attack..." (p. 32/33 of the Mykonos ruling on p. 149 of file 204). Jacques Antenen, a judge in the Swiss canton of Vaud, obtained a report that describes the contents of the Iranian Ministry of Intelligence file concerning the assassination of Kazem Radjavi. The relevant section of the report states as follows: "Finally, following the initial evaluation, the idea of assassinating the representative of the Iranian resistance in Switzerland was elaborated by the Ministry of Intelligence and was adopted by the Supreme Security Council, which was headed by Rafsanjani himself. The Council allocated 150,000 dollars for this operation" (p. 157 (reverse)/158 (reverse) of the documentation submitted by Swiss authorities, p. 5.199 of file 204).

The texts cited here show that during the period leading up to the AMIA attack, Iranian authorities followed a preconceived procedure that was implemented for the express purpose of carrying out criminal operations. As we shall see, the AMIA bombing was no exception.

In this regard, the following testimony by Mesbahi before the *Tribunal Oral en lo Criminal Federal No. 3*, when asked whether he knew of the existence of an Iranian government plan to carry out attacks in Argentina, is categorical and crystal clear when it comes to determining who exercised power in the Iranian government at the time: "I know and obtained all of the information from the heads of the Iranian intelligence service to the effect that the entire AMIA operation in 1994 was led, orchestrated and executed by Iran" (p. 4.105/4.137 of file 204).

We shall now describe (based on the evidence gathered in the case) the manner in which Iranian government authorities at the time went about implementing the AMIA attack. The following persons held a meeting in the city of Masad, Iran on Saturday August 14, 1993 at 4.30 p.m.:

the Spiritual Leader Ali Khamenei, Iranian president Ali Akbar Rafsanjani, the foreign minister Ali Akbar Velayati and the minister of intelligence (Vevak) Ali Fallahijan; at the time these men comprised the Omure Vijeh or Committee for Special Operations. Also in attendance were Mohsen Rabbani and Ahmad Asghari, who were residing in Argentina at the time and were summoned to Iran especially to act as advisers concerning the proposal that was to be discussed, namely that Argentina should be designated as a "target" country for the terrorist attack.

Abolghasem Mesbahi – who was qualified to testify on the AMIA attack by virtue of his having worked for Vevak, his participation in operations similar in nature to the AMIA bombing, and his close relationship with the then-second in command of Vevak Said Eslami – stated that there was a special committee called Vijeh for this type of operation that met under the chairmanship of Ali

Khamenei and whose other members were Rafsanjani, Mir Hejazi, Rohani, Velayati and Fallahijan. And although he also said that its makeup subsequently changed, it has been established that during the period leading up to the AMIA attack its makeup was as described here (testimony before the *Tribunal Oral en lo Criminal Federal No. 3*, p. 4.105/4.137 of file 204).

The meeting got off to a robust start when Reza Zakeri Kouchaksaraee stated: "Insofar as the attack in Argentina is concerned, the witness stated[27] that the decision had been made by the Supreme National Security Council in a meeting held on 14 August 1993; that this meeting had only lasted two hours; and that it started at 4.30 and ended at 6.30" (p. 844/855 of file 209).

In the same vein, Ali Reza Ahmadi and Hamid Reza Eshagi stated as follows: "It was during the Supreme National Security Council meeting held on August 1993 at 4.30 p.m. that the decision was made to carry out actions[28] in Argentina..." (p. 502/507 (reverse) of file 313).

Former Iranian president Abolhassan Bani Sadr spoke in similar terms: "...If Iran was behind the attack, there is no doubt that the Council made the decision" (p. 737/750 of file 209).

These statements were corroborated by Abolghasem Mesbahi, when he said the following: "When this action phase against Israel began in 1994, the AMIA center in Buenos Aires was selected as a target; the decision to carry out the attack was made in 1993" (p. 4.105/4.137 of file 204).

[27] Translator's note: Some of the direct quotes from testimony in this report are in the third person. In some cases the first and third person are used in the same passage (in at least one case in consecutive sentences).
[28] Translator's note: *[sic]* in the Spanish, rather than, as in all other such cases, *action*, meaning the AMIA attack only.

The following observation by Hadi Roshanravani is in the same vein: “On Saturday 12 August 1992 at 4.30 p.m., the Supreme National Security Council held a meeting that was presided over by Iranian president Rafsanjani. Three subjects were discussed at this meeting: the progress and assessment of the Palestinian Council; the strategy of exporting fundamentalism throughout the world; and the future of Iraq. During the dialogue on the second point, the idea of an attack in Argentina was discussed" (p. 129/136 of file 209). We did of course notice the discrepancy between the statement made by Mr. Roshanravani and the witnesses cited before him in terms of the date of the meeting, although on closer examination this discrepancy is only an apparent one, despite the fact that Mr. Roshanravani is referring to the same meeting as the other witnesses.

To reach this conclusion, it suffices to look at Mr. Roshanravani’s statement. In the first place, he indicated that the meeting to which he was referring took place “one year prior to the attack,” which would unquestionably place the meeting in 1993 and not, as stated in the minutes, 1992. In the second place, Mr. Roshanravani stated that the meeting was held on a Saturday. But in fact, 12 August 1992 was a Thursday, whereas 14 August 1993 was in fact a Saturday. Moreover, the statement we have just analyzed is consistent with the others that were gathered in the case (i.e. those by Zakeri Kouchaksaraee, Ahmadi and Eshagi) in terms of the time of the meeting, namely 4.30 p.m.

These various parallels cannot be attributed to mere happenstance, but in fact indisputably prove that a transcription error was made in the document concerning the meeting described by Mr. Roshanravani. Other parallels such as the organism that held the meeting (the Supreme National Security Council) and the resolution that was adopted there (to carry out an attack on AMIA in

Buenos Aires) dispel any possible doubt in this regard. Hence it follows that Roshanravani's allusion to the date is a mere instance of inexactitude within an overall narrative, and that this allusion is similar to and coheres with the remainder of the statements cited.

The existence of this meeting is corroborated by (a) the following statement in a report by the National Council of Iranian Resistance: "According to information obtained from sources within the Iranian regime, the AMIA attack in Buenos Aires in 1994 was planned by the Revolutionary Guard and the Ministry of Intelligence in Tehran. The decision to go forward with the operation was adopted during a 14 August 1993 meeting of the Supreme National Security Council that was presided over by then-president Ali Akbar Hashemi Rafsanjani..." (p. 2.399/2.428 of file 209); and (b) a document submitted by Iranian defectors that states as follows: "The decision concerning this operation was made during a top level national security meeting that was presided over by Rafsanjani on Saturday 14 August 1993. This meeting was attended by military professionals and high officials in the security establishment" (translation of a document submitted by Iranian defectors, p. 65/70 of file 209).

Now that we have established the time frame for and existence of the meeting, we can turn our attention to the presence of two individuals whose presence at a meeting of this type would have been anomalous. We are referring to Rabbani (who at the time was sheik of the At-Tauhíd mosque, and beginning in March 1994 the cultural attache at the Iranian embassy in Argentina) and Asghari (Third Secretary of the Iranian embassy in Argentina). These two men were asked to attend the meeting as advisors owing to the fact that they had precise information, and thus came to Iran especially for this meeting.

Mesbahi's testimony is particularly illuminating on this point: "In August 1993 the aforementioned committee held a meeting in the holy city of Mashad in Iran to which Randjbaran (Asghari) and Rabbani were invited so that they could confirm the information concerning the selected 'target' that had been transmitted via their relevant channels. On this occasion, the committee made the final decision to carry out the attack against AMIA" (p. 3.448/3.46l of file 204). Mesbahi added: "The decision was made in 1993, at which time Rabbani was in Iran to act as an adviser" (testimony before the *Tribunal Oral en lo Criminal Federal No. 3*, p. 4.105/4.137 of file 204). Mesbahi's statements are strengthened by an analysis of the international movements of the aforementioned persons (Rabbani and Asghari), both of whom were residing in Argentina at the time of the meeting and had left the country. In the same vein, it should be added that the Secretariat of Intelligence stated that both men were traveling to Iran (p. 13 of the Annex "Mohsen Rabbani" of *Informe Internacional*; and p. 126 and 134 of said report).

The fact that these two Iranian residents of Argentina were summoned to Iran and that on their return to Argentina they carried out various operational tasks for the intelligence service that Iran had established in Buenos Aires indicates that the meeting held on 14 August 1993 addressed and made a decision with regard to the AMIA attack. It is also significant that the Iranian leaders did not summon any individuals whose responsibilities and territorial competencies exceeded those of Rabbani and Asghari. The Iranian leaders in fact summoned two individuals who were living in Argentina, who were familiar with the groundwork that was being laid at the operation's location, who had been working on these preparations and who, on their return to Argentina, carried out the orders they had been given.

The following testimony by Abolghasem Mesbahi (who, as pointed out above, was a former member of the Iranian security service and was extremely familiar with this type of operation)

corroborates this point: “Most of the information and facilities for everything were provided by Mr. Rabbani, which enabled Iran to make this decision. Mr. Rabbani was in contact with a lot of people, including Iranians, and was therefore the only person residing in Argentina that had information about the event. However, the intelligence service personnel at the agency knew a lot about the subject, but they were not residents of Buenos Aires" (testimony before the *Tribunal Oral en lo Criminal Federal No. 3*, p. 4.105/4.137 of file 204).

Likewise noteworthy in this regard is the testimony by Manoucher Ganji, who, referring to the Iranian “system of terrorism” that in November 1994 decided to carry out assassinations abroad, stated that “these decisions were made by Khamenei, Rafsanjani, Fallahijan, Rezai and Velayati" (p. 65/69 (reverse) of file 352).

The evidence that was gathered during the investigation and that has been presented here has led us to accept as proven that the then-government of Iran decided to carry out an attack on a Jewish organization in Buenos Aires, and that this decision was made by the Committee for Special Operations during the meeting held in Mashad on 14 August 1993, where the following persons were in attendance: the Spiritual Leader Ali Khamenei, president Alli Rafsanjani, the minister of intelligence Ali Fallahijan, the foreign minister Ali Velayati; as well as sheik (and later cultural attache) Mohsen Rabbani, and Third Secretary of the Iranian embassy in Buenos Aires Ahmad Asghari, who acted as advisers on the strength of their intimate familiarity with and close connection to the preparations for the attack.

Once the Committee for Special Operations had decided to execute a plan aimed at a target in Argentina, the Spiritual Leader issued the religious decree known as a fatwa (whose nature and intentions were described above), whereupon Ali Fallahijan and Ahmad Vahidi were instructed to

carry out the operation in their capacity, respectively, as head of the Ministry of Intelligence (Vevak) and commander of the Quds Force.

Mesbahi elucidates this matter in his testimony to the effect that the decision is called a fatwa and "obligates all Muslims to execute the decision as soon as possible. As a rule, this decision is highly confidential and can be submitted to specific persons (...) This decision was given to Ali Fallahijan, who at the time was head of the Ministry of Intelligence, and they named him head of the operation" (testimony before the *Tribunal Oral en lo Criminal Federal No. 3*, p. 4.105/4.137 of file 204).

It should be noted that the implementation tasks for the attack could have been assigned either to the Ministry of Intelligence or the Quds Force, without this necessarily meaning that one of these organizations was automatically excluded from participating. In addition, the two organisms could have acted conjointly.

Once the then-government of Iran had made the decision to carry out the attack in Buenos Aires, implementation of the mission fell to the Quds Force and the Ministry of Intelligence, and Fallahijan was named head of the mission.

As for the Quds Force, Witness A stated the following: "...It was in this department that attacks abroad or assassinations of opponents of the Iranian regime were planned" (p. 56/86 of file 313).

The role played by the Ministry of Intelligence in implementing the attack was specified by Abolghasem Mesbahi, who testified that once the decision was made, the operation was placed in

the hands of Fallahijan, who Mesbahi characterized as a "specialist" in this matter p. 3.448/3.461 (reverse) file 204).

Also noteworthy are two other assignments that were made during the aforementioned meeting: Asghari was put in charge of activating the clandestine networks, and Rabbani was put in charge of local logistics for the attack. Ali Reza Ahmadi and Hamid Reza Eshagi stated the following concerning Mr. Asghari's assignment: "...Asghari was to take charge of implementation, i.e. activation of the clandestine networks" (502/507 (reverse) of file 313). As for Mr. Eshgi's task, Abolghasem Mesbahi testified before the *Tribunal Oral en lo Criminal Federal No. 3* that Rabbani took care of the following: the elements needed to obtain the van; a place to hide the van for a number of days; and the elements needed to arm the bomb. Rabbani was also in charge of gathering security and geographical information pertaining to the route to the target (p. 4.105/4.137 of file 204).

This completes the circle concerning the decision of the then-government of Iran to carry out the AMIA attack. We have intentionally decided to stop the narrative at this point, since the subsequent phases will be described below in much greater detail, these phases being the implementation process, the local logistics, the role played by the operational Hezbollah group, and the execution of the bombing per se.

We will now describe the situation of each of the individuals that participated in the meeting of 14 August 1993 where the decision was made to carry out the attack on AMIA.

We will also describe the roles played by Ahmad Vahidi and Mohsen Rezai, who are thought to have been involved in other stages of the crime that resulted in detonation of the bomb at the AMIA building.

a.l) Ali Akbar Hashemi Bahramaie Rafsanjani, a professional cleric and member of the Association of Militant Clerics. He was an opponent of the Shah's regime, for which he was imprisoned during the Shah's reign. When the revolution came to power, he served successively as a member of the Iranian Revolutionary Council, interior minister, member of the Assembly of Experts, president and speaker of parliament, representative of Ayatollah Khomeini at the Supreme Defense Council, and finally president of Iran from 1989 to 1997 (cable 010313/1998, p. 797 of file 204).

Hence, from 1989-97 Rafsanjani held the second highest position in the Iranian government hierarchy, after the Spiritual Leader. Articles 133 and 134 of the Constitution of the Islamic Republic of Iran describe the role played by the president of Iran. The Constitution states that the president is the holder of executive power and is head of the council of ministers, and that he relies upon the collaboration between these officials to determine and implement the policies that the government will follow (translation, p. 10.539/10.611 of file 263)

There is no doubt that Rafsanjani fully supported the ideological principles that were promulgated beginning in 1979, including the endorsement of the use of terrorist methods as an alternative and valid adjunct to classic diplomacy as a foreign policy tool.

In this regard, the author Mohammed Mohaddessin (head of foreign relations for the Iranian National Resistance Committee) stated the following: "The focus of the Rafsanjani administration's

foreign policy may differ from that of the Khomeini regime, but the objective remains the same: 'expansion of the regime of the Islamic Republic'"[29] (p. 2.143/2.343 of file 209).

The following statement by Manoucher Ganji also sheds light on the subject: "If you listen to the Friday prayers of the clerics and Rafsanjani's speeches (...) there is no doubt that every single one of them is an incitement to carry out terrorist attacks against Israel and the U.S. and to assassinate people" (p. 65/69 (reverse) of file 352).

The Secretariat of Intelligence indicated that Rafsanjani gave a sermon in which he stated the following: "The Jews (that migrate to Israel) should expect the 'exodus in reverse' to occur, since one day the tumor will be cut out of the body of the Islamic world and then millions of Jews that have migrated to Israel will once again be stateless. And when will this happen? On a very special day, a day when, without fail, the Islamic world will be equipped with the weapons that Israel now has at its disposal. The imperialist strategy will be stopped dead in its tracks because the use of just one atomic bomb inside Israel will wipe it from the face of the earth; but (such a bomb) would do harm to the Islamic world only. It is not irrational to consider this possibility... The people that have no other option but to sacrifice themselves will not be intimidated by (Israeli) violence (p. 26 of the Annex *Relaciones Bilaterales* of *Informe Internacional*).

Finally, referring to the numerous operations that were carried out during Rafsanjani's administration, Mohammed Mohaaddessin stated the following: "The clearest evidence of the nature of the Iranian regime (...) is its extensive and vigorous campaign aimed at assassinating its foreign opponents. If you look at the list of assassination victims during the early years of Rafsanjani's administration, you see that despite his reputation as a 'moderate,' the number of

[29] Translator's note: *[sic]* and in quotes in the Spanish.

defectors executed by Teheran's terrorist squadrons exceeds the number that were killed during the Khomeini regime" (p. 2.143/2.343 of file 209).

The overview we have provided here sheds light on Rafsanjani's ideological profile and the clear role he played as an Iranian government official during his administration, and provides an initial approximate idea of his character. This overview also shows that Rafsanjani undoubtedly not only endorsed terrorist violence, but also resorted to it himself when he felt it was the appropriate course of action. And this is anything but a theoretical conclusion, since in reality Rafsanjani played a defined role and has been linked to terrorist operations whose execution has been attributed to Iran, using an ideation and preparatory system (as was described in the section on the terrorist matrix) that always followed a predetermined structure in which Rafsanjani played a fundamental role.

As we shall see later, the terrorist operations that were sponsored by Iran entailed the active and necessary participation of president Ali Rafsanjani, who was one of the main architects of the structure that was used by the then-government of Iran to carry out terrorist operations. The roles attributed to the various individuals discussed here shed a great deal of light on Rafsanjani's position when it came to elaborating and executing terrorist plans. The significant of these prior events lies in the fact that the decision making process and the ensuing implementation procedure aimed at realizing an attack were very similar to the modalities employed in the AMIA operation.

In this regard, the All-Party Parliamentary Group on Human Rights of the British parliament observed that "...over the past 17 years there have been more than 150 attempted assassinations of Iranian defectors in 21 countries outside of Iran, in addition to numerous other terrorist attacks. Approximately 350 persons have been killed or injured in these attacks, two thirds of which

occurred during the seven years of the Rafsanjani administration." Elsewhere the report says: "...The French Foreign Ministry issued a communiqué condemning the assassination in the name of the French government. All of the Iranian defectors blamed Rafsanjani for the assassination of Bakthiar" (p. 1.919/1.982 of file 204).

One of the most significant events indicating that Rafsanjani must have been involved in Iranian government decisions to carry out terrorist attacks is the Mykonos case. With regard to this case, the Superior Court of Berlin stated that president Rafsanjani was a member of the committee that was empowered to approve the final decision to assassinate opponents of the Iranian regime. As pointed out above, this same committee made the decision to realize the AMIA bombing in Argentina

With respect to the makeup of the aforementioned committee, the German court's ruling stated that "the committee members were as follows: the president of Iran, the minister of the security service Vevak, the foreign minister, the Leader of the Revolution, as well as representatives of the security apparatus and other organizations.

(...) The decisions made by the Committee for Special Operations resulted in the realization of operations, particularly abroad" (p. 32 and 357 of the Mykonos ruling on p. 149 of file 204).

Likewise relevant in this regard is the Flatow case, where emphasis was placed on the fact that top Iranian officials of the period were implicated in the event. A ruling handed down in the case by a U.S. court made express mention of president Rafsanjani, stating as follows in his regard: "...The defendant Ali Akbar Hashemi-Rafsanjani is the former president of the Islamic Republic of

Iran. As an official of the Islamic Republic of Iran, the defendant realized actions that exceeded the scope of his function (...) that caused the death of Alisa Michelle Flatow. Specifically, the defendant approved the supply of support material and resources to the Shaqaqi faction by the Islamic Republic of Iran" (p. 297/355 of file 263).

It emerges from the events that have been outlined here that the government of the Islamic Republic of Iran at this period was directly involved in the realization of terrorist operations and that such activities were an integral element of the country's foreign policy. However, there was no need to carry out these activities outside an institutional framework, since it was Iranian government agencies themselves that laid the groundwork for and facilitated the planning and implementation of such operations. Hence we can confirm that in his capacity as president of Iran during the period when these events occurred, Ali Akbar Hashemi Rafsanjani personally participated in the planning and approval of terrorist activities and placed at the disposal of the perpetrators the entire apparatus of power over which he had control. This is anything but an idle formulation. It was elaborated with a view to expressly indicating that on more than one occasion Rafsanjani, was involved in making this type of decision, including the final decision to bomb the AMIA building.

This hypothesis is strengthened by Rafsanjani's aforementioned participation in terrorist attacks that were carried out during his term in office. Thus it has been established that ideologically Rafsanjani endorsed the use of terrorist methods and that he also employed them.

Having said that, we will now turn to an analysis of the remaining elements of proof that were developed during the investigation. This will ultimately show the gravity of the case against Rafsanjani and will support our contention that a warrant should be issued for his capture.

Rafsanjani's involvement in the AMIA attack began with his approval of what was termed the preliminary plan, which was elaborated and discussed in the "Office of Intelligence", which was headed by Rafsanjani himself. With regard to the existence of this office and the key role it played in laying the groundwork for terrorist attacks, Hadi Roshanravani (who as we have seen is a member of the Committee on International Affairs of the National Council of Iranian Resistance) stated as follows: "...Starting in 1990 there was an office where foreign terrorist operations were methodically organized (...) The intelligence office, which was presided over by Rafsanjani, is composed of the minister of intelligence, the commander of the Quds Force, the commander of Pasdaran, and the foreign minister. The office's mission is to assess terrorist plans and operations and then give the green light for their realization" (p. 129/136 of file 209). This statement is consistent with testimony by defector Reza Zakeri Kouchaksaraee to the effect that "proposals for a terrorist attack or action originate with a political or intelligence entity" (p. 844/855 of file 209).

A passage from a report issued by the All-Party Parliamentary Group on Human Rights of the British parliament is worth citing in this regard, as it describes the role played by Rafsanjani in these words: "He approves the initial proposals, which are then sent to the Ministry of Intelligence for review. The plan is then presented to the Supreme National Security Council for final approval" (p. 1.919/1.982 of file 204).

In this initial stage of the elaboration of an attack plan against the selected target, we can already see the role played by ex-president Rafsanjani. He personally took it upon himself to approve the proposal that had been discussed in the Office of Intelligence. In other words, if Rafsanjani did not approve the specified plan (which in the present case involved an attack on Argentina), it never would have been submitted to the Committee for Special Operations (Omure Vijeh). It can be

inferred from this that Rafsanjani's support at this stage of the operation was absolutely essential, since no one could possibly stand in for him.

In addition, Rafsanjani approved the initial proposal to attack a target in Argentina, and in so doing endorsed the project. This allowed the operation to advance to the next stage, namely its being discussed by Committee for Special Operations.

Although we have stated that Rafsanjani's involvement in the operation began with his personal approval of the preliminary plan, by no means did his role end there.

To the contrary: Rafsanjani's active involvement extended to the next phase in that he attended the meeting of the Committee for Special Operations during which the decision to carry out an attack in Buenos Aires was made.

This committee is of central importance in terms of both the present investigation and Rafsanjani's legal status. In this regard, Manoucher Ganji, minister of education under the Shah, points out the following: "In keeping with what has been said by Western intelligence officials and Iranian defectors, decisions to assassinate opponents both in Iran and abroad were made at the highest level of the Iranian government, i.e. by the Supreme National Security Council. This highest ranking political decision-making body was presided over by Rafsanjani, and its members included, among others, Fallahijan, Velayati, Ali Khamenei..." (translation of the documentation provided by Ganji, p. 128/209 of file 352). Although Ganji only mentions assassinations of opponents, it is clear that the same procedure was applied to decisions to carry out operations such as the AMIA bombing.

Abolghasem Mesbahi testified that (a) the committee had permanent members that only dealt with high-profile issues; and (b) there were other, lower ranked members (e.g. invited speakers and/or experts) who dealt with matters of lesser importance (p. 141 of file 204). With regard to the committee's role in the decision to carry out the AMIA attack, Moghadam stated that this decision was made under the direction of Ali Khamenei, and that the other members of the committee were Rafsanjani, Mir Hejazi, Rohani, Velayati and Fallahijan (testimony before the *Tribunal Oral en lo Criminal Federal No. 3*, p. 4.105/4.137 of file 204).

Hence it appears to be an established fact that former president Rafsanjani attended the Committee for Special Operations (Omure Vijeh) meeting where the decision was made to carry out the AMIA bombing. The following passage from Reza Zakeri Kouchaksaraee's testimony sheds further light on this crucial issue: "...The decision was made by the Supreme National Security Council at a meeting that was held on 14 August 1993. This meeting only lasted two hours, from 4.30 to 6.30 p.m." (p. 844/855 of file 209). Hadi Roshanravani corroborated this by stating the following: "...The decision to carry out the 1994 Buenos Aires attack made by the highest officials of the Iranian regime." Referring specifically to the aforementioned meeting, Roshanravani stated as follows: "...A meeting of the Supreme National Security Council was held, presided over by Rafsanjani, president of the Islamic Republic of Iran. Three subjects were discussed at this meeting: the progress and assessment of the Palestinian Council; the strategy of exporting fundamentalism throughout the world; and the future of Iraq. During the dialogue on the second point, the idea of an attack in Argentina was discussed" (p. 129/136 of file 209). Defectors Ali Reza Ahmadi and Hamid Reza Eshagi stated as follows: "It was during the meeting held at 4.30 p.m. in August 1993 that the Supreme National Security Council decided to carry out actions in Argentina" (p. 502/507 (reverse)

of file 313). Referring to the decision making mechanism that was used in connection with terrorist attacks, Manoucher Ganji stated as follows: “During this period, Khamenei, Rafsanjani, Fallahijan, Rezai and Velayati were not unaware of these decisions" (p. 65/69 (reverse) of file 352).

Speaking of the existence of the Supreme National Security Council, former president Bani Sadr said that "...there was a special committee that was controlled by Khamenei and that Rafsanjani was a member of" (p. 724/736 of file 209). He added the following: “...This council was actually called the Supreme National Security Council (...) This council couldn’t officially adopt decisions of this nature, but its members (...) comprised a kind of parallel council that existed in reality but not officially and that made decisions of this type. (...) Rafsanjani was a member of the council even though he wasn’t president any more” (p. 856/860 of file 209). During an interview with journalist Chris Kutshera on 5 August 2002, former president Bani Sadr stated as follows: “In 1987, president Rafsanjani issued an order calling for the establishment of a Committee for Special Operations whose existence would be top secret and that would not be subject to parliamentary decisions and deliberations. These secret operations included secret contacts with foreign countries, arms purchases, and persecuting opponents" (p. 970/972 of file 209).

The congruence of all of the testimony cited here is conclusive. In his capacity as president of Iran, Rafsanjani was a permanent fixture at Committee for Special Operations meetings where sensitive matters such as giving terrorist operations the go-ahead were discussed. It has been established that he attended the meeting that was held on 14 August 1993 where the express decision was made to carry out an attack on AMIA. Moreover, he was an active participant since, given the fact that he originally approved the plan within the framework of the official intelligence

process and that it was being discussed in the meeting, it follows that he supported the decision to proceed with the operation. Hence he played a proactive role in the Committee for Special Operations' approval of the decision to proceed with the attack.

Now that we have described Rafsanjani's key role in facilitating the realization of the operation by approving the initial plan and supporting the Committee for Special Operations decision to carry out the attack, we must also describe his position within the government hierarchy. Undoubtedly, in view of the office he held, and given the fact that he had attended the meeting where the preliminary plan was proposed (and where implementation of the operation must have been discussed) and that he was involved in the final decision concerning the undertaking, he must have been familiar with the broad outlines of the mission whose objective was to attack the AMIA building. Author Mohammed Mohaddessin makes the following observation in this regard: "...While Khomeini was still alive, Rafsanjani was the coordinator of the Foreign Ministry, the intelligence ministry, and the Islamic culture and religion ministry, as well as the units of the Revolutionary Guard that specialized in terrorist activities. When Rafsanjani became president and head of the Supreme National Security Council following Khomeini's death, he continued to make the final decisions on plans concerning terrorist operations." (p. 2,143/2,343 of file 209).

This statement corroborates the fact that as president of Iran, Rafsanjani was aware of and voluntarily gave his consent to all terrorist activities carried out by the various governmental bodies under his control. This included everything from information gathering by intelligence agents to execution of the actual attack, including all of the intermediate steps such as preparing the action plan for the operation, approving it and facilitating the logistics phase.

Hence we are definitely in the presence of a person who, in his capacity as president of Iran, ideologically endorsed terrorist activities as an ideal way to implement the principles of his government in terms of foreign policy and exporting the revolution. Moreover, Rafsanjani translated this ideology into concrete action by approving terrorist operations and the assassination of opponents of the Iranian government, as occurred in the Mykonos, Radjavi, Bakthiar and Flatow cases.[30]

All that has been stated thus far establishes that former president Rafsanjani did the following: (a) headed the Office of Intelligence, whose main function was to elaborate the preliminary plan for a terrorist attack in Argentina; he also approved this attack and authorized its being passed up the hierarchy to the Committee for Special Operations (Omure Vijeh); (b) He attended the meeting that was held on 14 August 1993 in Mashad and helped to shape the opinions of the entity that decided to execute the AMIA attack; (c) He consented to and supported all of the end-stage activities whose aim was to successfully carry out the AMIA terrorist attack that had been approved by the Committee for Special Operations (Omure Vijeh).

All of these facts have led us to deem proven that Rafsanjani had a hand in the attack that destroyed AMIA; and we therefore ask the Court to issue a national and international request for Rafsanjani's capture.

a.2) Ali Fallahijan was born in the city of Najafabad. In 1963 he enrolled at Haqani Academy in Qom where he studied theology. He was jailed during the Shah's regime for distributing

[30] Translator's note: *[sic]* in the Spanish. As the report itself points out elsewhere, Flatow, a 20 year old American college student, was killed fortuitously, not for being an opponent of the regime.

antigovernment propaganda. In 1979 he was appointed to the position of religious judge in the city of Abadan. In the following year he was transferred (in his capacity as religious judge) to Kermanshah where he was ordered by Mohammed Hossein Beheshti, the head of the supreme court, to eradicate the province's Mohajedines. Owing to the active role he played in carrying out this mission, in early 1982 he was named deputy prosecutor of the Islamic revolution, and at the same time coordinator of the Islamic revolutionary court in Teheran, as well as head of the counterintelligence agency of the Republican Guard. Following the creation of the Ministry of Intelligence, he became the second in command of minister of intelligence Rayshahri, and assumed the position of director of the intelligence training academy known as Iman Baqer. In 1987 he became head of the watchdog organization of the armed forces and was then named minister of intelligence (see in this regard the January 2000 issue of the newspaper published by the Iranian resistance, p. 735/742 of file 204).

At this juncture, we feel that a digression is absolutely essential in order to describe the true scope and momentous importance of the role played by the Iranian minister of security and information – personified in this case by Ali Fallahijan – in the overall process of exporting the Iranian revolution.

As has been pointed out elsewhere in the present report, one of the main pillars of Iranian foreign policy is exporting the revolution, which means the creation of new Islamic states along the lines of the Teheran model. In order to achieve this aim, Iran's leaders have systematically resorted to illegal methods, including terrorist operations, as well as assassinations of regime opponents in

cases where Iran's leaders felt that these opponents might stand in the way of the revolution achieving its goals.

In view of the broad range of methods used by the regime, including investigations, intelligence gathering, logistics and end-stage implementation activities, it was necessary at the time to name a single general overseer who could coordinate all of these various activities and without whom they could not have been brought to fruition. This explains the overwhelming importance of this individual, who was called upon to play an active role in each and every phase of the various terrorist operations that were carried out. The person who occupied this position at the time of the AMIA attack was one of the suspects in the present case, namely Ali Fallahijan, in his capacity as minister of intelligence in the Iranian government.

By virtue of the function described above, it is only natural that the fact that Fallahijan became Iran's minister of intelligence in 1987 has prompted various courts to link him (like Rafsanjani) to a series of terrorist operations. Two significant examples of this are provided by the Mykonos and Flatow cases. In the first of these, a German court found that Fallahijan was linked with the body whose competency included making decisions to carry out terrorist operations. The German court stated as follows: "Fallahijan presented the results of his investigation to the Committee for Special Operations (Omure Vijeh), which was the sole instance with the authority to make decisions on security matters of major importance. These decisions exceeded the competency of various domains, and owing to their relevance, could not be discussed in the official institution of the Supreme National Security Council. This committee was in charge of cases involving the assassination of regime opponents abroad." The court's ruling in this case also said that "the

minister of intelligence and security, Ali Fallahijan, was in charge of executing the order to commit the murders." (p. 32/33 of the ruling, file 204, p. 149).

In the ruling on the Flatow case, the court said that Fallahijan "...conspired to provide material support and resources to the Shaqaqi faction of Palestine Islamic Jihad, a terrorist organization (...) which caused the death of Alisa Michelle Flatow" (p. 297/355 of file 263).

In the case of the assassination of former prime minister Chapour Bakthiar, French authorities stated that certain members of the Iranian intelligence service, including Fallahijan, maintained close contact with an individual that was directly implicated in the logistics phase of the attack (p. 1.658/1.877 of file 209).

More recently, the Swiss judge Jacques Antenen, who is in charge of the investigation into the killing of the Iranian defector Kazem Radjavi, issued a request for the capture of Ali Fallahijan for having been in charge of coordinating the assassination. Judge Antenen stated as follows in his ruling: "The minister Ali Fallahijan was in charge of coordinating execution activities, and all missions and orders originated with him" (p. 5.590/5.594 of file 204).

Apart from these and other operations we have described elsewhere in the present report, where it has been established that senior Iranian officials were responsible for the actions taken, our mention of these events in the present section clearly demonstrates the role Fallahijan played, in that he had close ties with the heads of government bodies that were implicated in these illegal activities.

The following observation by author Mohammed Mohaddessin is consistent with these rulings:

"Minister of intelligence Fallahijan boasted openly that he had assassinated opponents of the regime abroad..." (op. cit., p. 2.143/2.343 of file 209).

Mohaddessin's statement is substantiated by an analysis of a speech given on TV by Fallahijan on 30 August 1992, when he stated as follows: "We have a security department[31] whose actions are directed against revolutionary cells...We have managed to infiltrate the umbrella organizations of these cells and have arrested a majority of their members...They were forced to flee the county. We have proceeded with our operations. We are currently proceeding with them in an ongoing manner abroad. We have infiltrated their umbrella organizations and have information concerning their activities. We have successfully struck blows against these cells inside the country and outside our borders" (p. 5.590/5.594 of file 204).

This speech shows that Iran's intelligence service did not confine their activities to the territory of the Islamic Republic of Iran. In fact, and as Fallahijan himself states, the agents under his command operated abroad as well, where they not only gathered information concerning their targets but also carried out attacks against groups that they considered to be enemies of the regime.

And thus this intelligence network was deployed for the purpose of persecuting defector groups outside of Iran. And thus it follows that in order to carry out actions such as that which resulted in the AMIA bombing in Argentina (which as we have seen was infiltrated by Iranian intelligence agents) they employed these same mechanisms.

[31] Translator's note: In the present text security service, security department, intelligence service and intelligence department (and variants) all refer to the same thing. The Spanish text contains the Spanish equivalent of all of these. However "office of intelligence" refers to a different entity.

And this involved activities aimed at gathering information, and coordinating operations carried out by agents of the Ministry of Intelligence, who operated under Fallahijan's command.

In view of these facts, special attention should be drawn to Fallahijan's delicate task concerning the execution of terrorist operations in his capacity as minister of intelligence. In this regard, it is important to bear in mind that the function of the Ministry of Intelligence that Fallahijan headed mainly consisted of ferreting out and gathering information concerning countries that could potentially become the target of operations by the Iranian regime during the period leading up to the AMIA attack. This was a daily and routine task in terms of the functions of Fallahijan's ministry, one that resulted in a constant flow of intelligence from ministry agents around the world.

Witness Abolghasem Mesbahi graphically described the function of the Ministry of Intelligence with regard to terrorist operations as follows: "Each act of terrorism is generally planned years ahead of the bombing, and to do this the intelligence service relies on various officials who are experts in their area of endeavor (...) One individual is in charge of gathering information, another person is an official who deals with regional logistics; plus a regional coordinator and head of the region. Each region has a head within the ministry in Teheran; this is one of the main functions of the Ministry of Intelligence in all respects..." (statement made before *Tribunal Oral en lo Criminal Federal No. 3*, p. 4.105/4.137 of file 204).

And indeed, a mere glance at the internal structure of the Ministry of Intelligence suffices to indicate the scope of the resources that Fallahijan had at his disposal, not to mention his operational capacity to realize the kinds of tasks we have been describing.

Abolghasem Mesbahi's testimony concerning the composition of the Ministry of Intelligence substantiates this: "...Fallahijan, who is the most important actor in this realm, had 24 deputy ministers, one of whom was in charge of foreign operations" (p. 141 of file 204).

A U.S. congressional report corroborates this, stating that one of Fallahijan's main functions was carrying out terrorist attacks. For this he had at his disposal the resources needed to execute these operations abroad if he deemed it necessary to do so, and toward this end established a network of clandestine support elements throughout the world. This same report also states that in 1994, Iranian policy involved realization of a large scale operation in the West, toward which end Teheran set up a special high level team composed of Ali Fallahijan, Mohsen Rezai, Imad Moughnieh and a coordinator from the Quds Force to supervise the operations[32] from Iran (p. 2.679/2.694).

Against this backdrop, it is clear that the information gathering activities realized by Fallahijan's ministry were indispensable for elaboration of the original plan for any operation carried out by the aforementioned "Office of Intelligence." In other words, Fallahijan's involvement was not limited to one phase, since he played an active role in the various steps of any given operation. Thus, Ministry of Intelligence agents gathered sensitive information that could be used by Iran's leaders to decide whether to carry out an attack, while at the same time Fallahijan, by virtue of being part of the "Office of Intelligence," was personally involved in such decisions in that he formulated the conclusions that allowed for the elaboration of a concrete plan.

[32] Translator's note: *[sic]* in the Spanish (illogic of "operations" here and "operation" above).

In point of fact, it was the responsibility of the Office of Intelligence (mentioned above in connection with the "terrorist matrix" and the passage concerning the request for the capture of former president Rafsanjani) to assess the viability of specific terrorist operations in specific countries. After being approved by the members of the Office of Intelligence, these assessments were passed up the chain of command to the Committee for Special Operations (Omure Vijeh), as concrete proposals.

The work carried out by this body, of which Fallahijan was a part, was described by Zakeri Kouchaksaraee in his testimony as follows: "The intelligence body was in charge of elaborating the preliminary plan, which was based on the information provided by intelligence agents, with the result that after being approved by president Rafsanjani, they were sent to the Supreme National Security Council for final approval" (p. 844/855 of file 209).

Referring to this body as well, Hadi Roshanravani stated as follows: "The office that was in operation under the control of president Rafsanjani was composed of the following individuals: the minister of intelligence Ali Fallahijan, the commander of Pasdaran Mohsen Rezai, the commander of the Quds Force Ahmad Vahidi, and the foreign minister Ali Akbar Velayati" (p. 129/136 of file 209). The witness Manoucher Ganji added the following in this regard: "The key groups involved in the planning and execution of terrorist attacks are the Revolutionary Guard, whose commander is Mohsen Rabbani, and the Ministry of Intelligence, which is headed by Ali Fallahijan. Targets can be proposed either by Fallahijan, in which case his agents are posted to embassies all over the world, or by the special intelligence section that is part of the office of the president (Ali Rafsanjani). The envisaged operations are then submitted for approval to the Supreme National Security Council" (p. 128/209 of file 352).

It is evident from this that in his capacity as minister of intelligence, Fallahijan played a fundamental role in elaborating and organizing plans for terrorist operations. Our description thus far of the structure of the Iranian Ministry of Intelligence and the active role played in it by its head Ali Fallahijan explains why he is repeatedly mentioned by courts that investigate assassinations or attacks in which the Iranian government is suspected of having been implicated to one degree or another. It is clear that this repeated mention of Fallahijan is no accident, since it stems from his connection with terrorist actions planned by Iran, some of which were coordinated by Fallahijan himself. Hence it can be concluded that the process of gathering information concerning potential targets of terrorist attacks, the analysis of this information, the elaboration of a specific plan and the coordination of the various resources needed to implement the plan were all activities that were realized under the control of the Ministry of Intelligence, of which Fallahijan was head.

Moreover, in terms of the AMIA attack, Fallahijan assumed the role that was generally assigned to him, namely that of overall coordinator of the operation. The following statement from a report submitted by the secretary of the National Council of Iranian Resistance corroborates this direct involvement on the part of the Ministry of Intelligence:

"...According to information obtained from internal sources in the Iranian clergy, the 1994 attack on AMIA in Buenos Aires was planned in Iran by the Revolutionary Guard and the Ministry of Intelligence" (p. 2.399/2.428 of file 209).

In addition, Fallahijan's presence at the meeting where the decision was made to carry out the AMIA attack was corroborated by a number of witnesses, including Hadi Roshanravani, who stated, in reference to said meeting, that "...the minister of information Fallahijan was another

participant" (p. 129/136 of file 209). In his testimony, Manoucher Ganji indicated that Fallahijan was part of the group of officials that were not unaware of this type of decision (p. 65/69 (reverse) of file 352). Mesbahi also indicated that Fallahijan attended the meeting where the decision was made to carry out the AMIA attack (testimony before the *Tribunal Oral en lo Criminal Federal No. 3*, p. 4.105/4.137 of file 204).

This means that Fallahijan can also be held accountable for this phase of the criminal process, since through his participation in the meeting of 14 August 1993, he supported the Committee for Special Operations' decision to authorize the suicide attack against AMIA.

Mesbahi also testified that once the decision was made to carry out the attack, the operation was entrusted to Fallahijan, whom Mesbahi characterized as a "specialist" in this area (p. 141 and 3.448/3.46l of file 204). Mesbahi further testified in this regard that "the decision was made by this committee. The decision was passed on to Ali Fallahijan, who at this time was head of the Ministry of Information, and they named him head of the operation (...) as head of the operation it was his job to select an operational group" (testimony before *Tribunal Oral en lo Criminal Federal No. 3*, p. 4.105/4.137 of file 204).

It is necessary to explain at this juncture why it was absolutely necessary to have a coordinator for an operation of this type. As we pointed out in our discussion of the "terrorist matrix," the process that culminated in the realization of a terrorist operation took years and involved numerous Iranian government bodies that interacted with each other on an ongoing basis. Thus it was essential to have a person who could supervise and coordinate these various elements, i.e. a general manager who would be in charge of organizing the operation. Fallahijan assumed this role for the AMIA attack.

The functions of the various government bodies involved in the operation were also described by the aforementioned Judge Antenen in the warrant he issued for Fallahijan's capture. In this document Judge Antenen states that the ministry headed by Fallahijan maintained, among other things, its own intelligence service (Vevak) and had very close ties with the Revolutionary Guard (Pasdaran), particularly with its special forces known as the Quds Force (p. 5.590/5.594 of file 204).

This again shows the importance of Fallahijan's role in everything that occurred, since he acted as the main nexus between the various phases of the operation. It should also be borne in mind that the agents he was in charge of gathered the information that the "Office of Intelligence" needed to assess the viability of carrying out an attack in Argentina. As part of said office, Fallahijan was personally involved in elaborating the concrete plan for the attack in Argentina and authorized submission of this plan for consideration by the Committee for Special Operations (Omure Vijeh).

Moreover, as a member of the latter committee, Fallahijan promoted a willingness to give the operation the final go ahead, which in turn allowed for rollout of the subsequent phase. In other words, Fallahijan was present when each of the essential actions for this stage were taken.

Nor did his participation end there, for he continued in his role as a proactive stakeholder in the attack implementation phase, by virtue of having been named operation coordinator by the Committee for Special Operations (Omure Vijeh). Moreover, as supervisor of the operation, he appears to have been directly involved in it.

In describing the activities Fallahijan realized in connection with the AMIA attack, Mesbahi testified that once the operation had been given the go-ahead, Fallahijan proceeded to work on the subsequent phase, which entailed making preparations for the attack. As the supervisor of the operation, Fallahijan could choose the members of the logistics and operational members of the mission team in his discretion. Fallahijan acted as general supervisor of the operation, his job being to ensure that the various phases and tasks that had to be accomplished in order to execute the operation went off like clockwork and were coordinated impeccably. Mesbahi testified as follows: "...Fallahijan (...) selects[33] an operational group from among the many that were available in Lebanon. He only has contact with the leader of this group, who is the only person who knows the identities of all the members. The group leaders are based in the Mois [i.e. Vevak] building. The group operations are divided into three parts, according to the missions they are assigned. There is an operational group, a cleanup group and a logistics group (...) No member of the operational group is local, but they use all the facilities available in the location" (p. 3.448/3.461 (reverse) of file 204). Mesbahi confirmed these statements in his testimony before the *Tribunal Oral en lo Criminal Federal No. 3*, at which time he stated that "as operational supervisor, it was his job to select a team to carry out the operation" (p. 4.105/4.137 of file 204).

In this regard, according to the *Informe Internacional* by the Argentine Secretariat of Intelligence, once the decision to carry out the operation had been made, the minister of intelligence Ali

[33] Translator's note: Unlike most of the other witnesses' statements, many of Mr. Mesbahi's are in the present tense. This apparent anomaly may be attributable to the mix of languages he was using and/or translation errors. In this regard, the New York Times of 22 July 2002 states the following: "Mr. Mesbahi, the Iranian defector who provided the testimony, met with Argentine investigators in Germany in 1998 and again in Mexico in 2000, *speaking at various times in Persian, English, German and French with a Spanish-language translator present*." [emphasis added]

Fallahijan instructed Imad Moughnieh to form an operational group, which then took charge of executing the attack (p. 128 of the report).

Mesbahi testified as follows in this regard: "...A delegation came from the Ministry of Intelligence to build a bomb for the operational group" (testimony before the *Tribunal Oral en lo Criminal Federal No. 3*, p. 4.105/4.137 of file 204). These various statements clearly indicate that in his capacity as head of the Ministry of Intelligence, Fallahijan was involved in each and every step that was taken in preparation for the attack, and thus his responsibility for it is irrefutable.

In addition, in keeping with the hypothesis we are advancing here, Fallahijan's actions in connection with the implementation phase of the operation are completely congruent with Hezbollah's role in the attack. In fact, Fallahijan summoned Hezbollah, whose tasks were strictly of an operational nature, as will be explained in other sections of the present report.

Abolghasem Mesbahi provided irrefutable corrobation of these facts when he stated that "Iran masterminds the attacks. Hezbollah does not have sufficient leadership abilities to do this" (p. 3.448/3.46l of file 204).

Hence in this section we have shown that during the period leading up to the AMIA attack, the function that was carried out by Fallahijan within the structure of the Iranian government put him in a central position to supervise terrorist operations. The evidence in the case proves the following with respect to Fallahijan: he was directly involved in coordinating the activities of intelligence agents, who supplied the Ministry of Intelligence with information concerning the AMIA operation; he was involved in elaborating the preliminary plan that was realized by the "Office of

Intelligence;" he was a member of the Committee for Special Operations (Omure Vijeh), which gave the go-ahead for the AMIA attack; and he acted as general coordinator for the implementation and execution phases of the operation. On these grounds, it is our finding that Fallahijan was a direct participant in the AMIA bombing and therefore we shall request that he be captured immediately.

a.3) Ali Akbar Velayati was Iranian deputy minister of health from 1980-1981, a member of parliament, and from 1981-1997 served as foreign minister. During this time, he remained in his position of foreign policy advisor to the Leader of the Revolution (p. 797/798 of file 204). Velayati's thinking – in keeping with the doctrine of "exporting the revolution" – is evidenced by information that was provided by the Argentine embassy in Iran, with regard to which export process Velayati (as foreign minister) stated as follows in early 1987: "Perhaps Lebanon is the country that is most amenable to accepting the methods and goals of the holy revolution" (p. 806 of file 204).

Against this backdrop, it is necessary to describe the important role played by the Iranian Foreign Ministry within the model defined for it by the then-government of Iran for the planning and elaboration of terrorist attacks. Reza Zakeri Kouchaksaraee, chairman of the Security and Intelligence Committee of the National Council of Iranian Resistance, stated the following with regard to the actions taken by the various ministries with a view to installing Islamic regions outside of Iran through the use of violence: "The following organisms are involved in the cultural, operational, and logistic realization of these objectives. The first is the Quds Force (...) whose mission is aimed at foreign countries, or which seeks to enable Iran to take actions beyond the

territorial limits of the country. The second is the Organization of Culture and Islamic Relations (...) The third is the Islamic Culture and Guidance ministry. The fourth is the Ministry of Intelligence. The fifth is the Foreign Ministry..." (p. 844/855 of file 209).

It should be noted in this regard that the Foreign Ministry played an essential collaborative role for other organizations that were involved in the operation, particularly the Ministry of Intelligence, whose agents used certain Iranian embassies and consulates to gather useful information, which was then used by Iran's leaders as a basis for deciding which terrorist operations should be carried out. Author Xavier Raufer explains it this way: "The head of Iranian intelligence didn't simply wait around for a reason to take revenge, but instead most of the time counted on roving agents who traveled from one country or embassy to another...to gather information" (p. 778/914 of file 267). Hence Iran's embassies were directly involved in the preparatory phase of terrorist operations by virtue of the fact that these organizations generated the various reports that served as a basis for operations of this type. Reza Zakeri Kouchaksaraee stated the following in regard to these invaluable services: "The Ministry of Intelligence draws up a plan on the basis of its own information as well as the information from the embassies and Cultural Bureaus..." (p. 844/855 of file 209).

In addition, once an action plan had been adopted, the individuals charged with carrying it out received concrete support from Iranian embassies, which provided the cover that was needed in order to carry out the mandated task. Former president Bani Sadr stated the following in this regard: "...In the countries where Iran carries out terrorist operations, most of the embassy employees are agents of Iran's intelligence service Vevak or of the Revolutionary Guard..." (p. 737/750 of file 209). This was corroborated by terrorism expert Yves Bonnet: "...In every embassy

you inevitably have Iranian intelligence agents who are there in order to organize all of the actions" (p. 990/995 of file 209).

This approach combined the classic diplomacy realized by Iranian embassies with the espionage activities that were carried out by its personnel. The German court that in the Mykonos case characterized these embassies as "intelligence services." The relevant section of the ruling states as follows: "In their capacity as intelligence services, Iran's embassies and consulates in the zone of operations were required to provide the resources for execution..." p. 40/41 of the Mykonos ruling on p. 149 of file 204).

These allegations are corroborated by an analysis of the backgrounds of the Iranian diplomats that Iran sent to Argentina. In fact, as will be shown in more detail in the next section, Ambassador Soleimanpour was suspected of having worked closely with Vevak, while First Secretary Abbas Zarrabi Khorasani is thought to have been a member of the operational unit in Khomeini's office that was in charge of carrying out terrorist operations. Second Secretary Gholamreza Zangeneh and Third Secretary Ahmad Asghari were Pasdaran officials. And Esmaeil Moulaee, who was in charge of the encryption keys at the Iranian embassy in Buenos Aires, is suspected of having been a Vevak agent.

The Foreign Ministry also provided the attack's logistics and operational supervisors with passports, visas, diplomatic cover, and funds. The statements made by Manoucher Ganji in this regard are extremely convincing. He stated that the individuals that are posted to a country for purposes of carrying out a terrorist operation "...always use the diplomatic cover provided by the Cultural Bureaus in the embassies" (p. 65/69 (reverse) of file 352). Roshanravani's statement in this regard is equally persuasive: "The fact that decisions concerning foreign terrorist operations are

made by the Supreme National Security Council and that a representative from the Foreign Ministry always attends such meetings clearly indicate the importance of the regime's embassies for this type of activity" (p. 129/136 of file 209).

These facts show that embassy support for Iran's global terrorist plan was not only crucial, but was also an indispensable prerequisite for successful realization of the attack. It is clear to us that without the infrastructure support provided by the Foreign Ministry, it would have been extremely difficult for terrorist operations of this type to have been carried out. Within this system, as head of the Foreign Ministry, Velayati coordinated the various activities and provided the resources that were needed by all of the various bodies in his charge in order to successfully complete the assigned tasks that enabled them to assist the other elements in the terrorist chain. Hence, agents of the Ministry of Intelligence, the Quds Force and/or Ershad were given diplomatic cover that enabled them to carry out their activities unbeknownst to local authorities. Moreover the embassies themselves provided a base for these agents from which they could realize the requisite actions and at the same time maintain contact with the government they were serving.

The significance of this role explains why Velayati was part of the "Office of Intelligence" where the preliminary plan was discussed, and after being submitted to Rafsanjani for approval was presented before the Committee for Special Operations. As pointed out previously, Hadi Roshanravani said, in regard to the Office of Intelligence, that "the task of this office was to study terrorist actions and plans," and that it was "presided over by Rafsanjani and composed of the minister of information, the commander of Pasdaran, the commander of the Quds Force, and the foreign minister" (p. 129/136 of file 209).

The composition of this "Office of Intelligence" is far from being a minor factor, since it integrated the heads of all of the domains that were involved in planning and organizing terrorist operations. In discussing specific terrorist operations at "Office of Intelligence" meetings, each participant was in a position to define the extent to which they could lend support to the operation in question. Velayati indisputably participated in the AMIA related "Office of Intelligence" meeting, where he is sure to have committed to the operation the infrastructure and resources that were under his control. In view of what occurred in the case of the AMIA attack – in which various diplomats had a hand – it is evident that as foreign minister, Velayati followed through on the commitment he had made during the aforementioned meeting.

However, this constituted only one of Velayati's contributions to the AMIA operation, since he also attended the meeting where the final decision was made to carry out the AMIA attack, after receiving the Spiritual Leader approval.

As in the other cases we discuss in the present report, it has been established that Velayati attended the meeting where the decision was made to carry out the AMIA attack. This fact was corroborated by Abolghasem Mesbahi, who testified that there was a special committee called Vijeh for this type of operation that was chaired by Ali Khamenei, and that Velayati was a member of this committee at the time the decision was made to carry out the AMIA attack. (testimony before the *Tribunal Oral en lo Criminal Federal No. 3*, p. 4.105/4.137 of file 204).

The Iranian defectors Ali Reza Ahmadi and Hamid Reza Eshagi indicated (p. 502/507 (reverse) of file 313) that decisions of this type were made by the Supreme National Security Council, and that the foreign minister was one of the officials who sat on this committee. In his testimony,

Manoucher Ganji indicated that Velayati was part of the group of officials that were not unaware of this type of decision (p. 65/69 (reverse) of file 352).

Without a doubt, and as has been shown, Velayati's presence in the Office of Intelligence and on the Committee for Special Operations was no accident, but instead resulted from the fact that the he was in charge of one of the most important bodies for the realization of the terrorist operation that Iran had decided to carry out.

The fact that Velayati attended the "Office of Intelligence" and Committee for Special Operations meetings where the decision was made to bomb the AMIA building is reason enough to issue an international request for his capture. However, his involvement did not stop there, since he additionally provided agents that were personally involved in the various phases of the operation with the requisite resources, courtesy of his own ministry, and in close collaboration with the Ministry of Intelligence.

This coordination was alluded to in a report by the All-Party Parliamentary Group on Human Rights of the British parliament, which stated the following in reference to the involvement of Iran's foreign minister in terrorist attacks: "The head of the Department of Intelligence sends a letter to the Foreign Ministry describing the scope of cooperation that is needed from the Ministry, including supplying passports, and the required budget"(p. 1.919/1.982 of file 204).

Author Mohammed Mohaddessin makes a comment along the same lines in connection with the Quds Force: "The definitive coordination of the Al Qud Force's activities in a specific country, supplying diplomatic cover or the like for its agents, and the use of diplomatic cover and diplomatic

couriers to obtain supplies, transmit messages and supply terrorists with military equipment was the responsibility of the Foreign Ministry and its embassies" (p. 2.143/2.343 of file 2009).

Thus it is crystal clear that Velayati was also involved in this phase of the operation, since he was the only person in a position to provide support of this type, particularly in view of the fact that most of these activities were realized outside of Iran.

It should be emphasized, as was done in connection with Fallahijan's situation, that Velayati held a position – foreign minister – that objectively made him one of the main actors in the operation, since, although the Ministry of Intelligence or the Quds Force carried out the implementation phase per se, it is certain that these bodies could not have taken efficient action had they not received support from the Foreign Ministry. For in point of fact, this ministry had at its disposal all of the tools that were needed to conceal the AMIA attack-related terrorist activities by lending them the appearance of legitimate diplomatic work. In short, without Velayati's assistance, the success of the mission would have been seriously jeopardized.

This fact is congruent with other concrete evidence indicating that Velayati was involved in the AMIA operation, since he was carrying out tasks in his sphere that helped to implement the terrorist plan in Buenos Aires.

A good example of this is the situation of Mohsen Rabbani, a cleric by profession, who, after living in Argentina for 11 years, and only four months before the AMIA attack, was given diplomatic cover by being named cultural attache of the Iranian embassy in Buenos Aires.

It is an established fact that Rabbani was granted this privilege by the Foreign Ministry.

Thus the events that occurred in June and July of 1994 – a period which saw a significant increase in the number of diplomatic couriers and the number of diplomats entering Argentina; the orchestrated departure of the Iranian ambassadors from Argentina, Uruguay and Chile; and the abrupt departure from Argentina of the Iranian embassy's Third Secretary Ahmad Asghari – reinforce our conclusions concerning Velayati's involvement in actions that were undoubtedly linked with the final phase of the AMIA operation.

Hence, as we shall see in a later section, the disproportionately large number of entries and exits into Argentina by diplomatic couriers was not prompted by any known circumstance or event that was reported to the Argentine Foreign Ministry; a fact which, combined with other evidence, has led us to the conclusion that the large amount of movement on the part of diplomatic couriers that was detected, regardless of whether it was intended to serve as a smokescreen or involved the interchange of sensitive materials and/or information – or perhaps for both purposes – was directly related to the AMIA attack.

But this was not all: certain Iranian Foreign Ministry officials entered Argentina in a suspicious manner, while the highest Iranian diplomat in Argentina – Hadi Soleimanpour – went to Miami 18 days prior to the AMIA attack.

Moreover, only 10 days prior to the AMIA bombing, Ahmad Reza Asghari, the Third Secretary of the Iranian embassy in Buenos Aires, abruptly left Argentina for good. This departure (which

had originally been scheduled for October of the same year) clearly indicates that Asghari left not of his own volition, but in response to a direct order from his boss in Tehran, namely Ali Velayati.

And with regard to this chain of events which is directly connected to the AMIA attack and occurred under the aegis of the Iranian Foreign Ministry, it should also be mentioned that on the day before the attack, the Iranian ambassadors to Uruguay and Chile left their respective countries and boarded the same flight to Frankfurt.

The examples cited here clearly show that the Foreign Ministry was directly involved in the AMIA operation. It emerges from these events that Velayati not only participated in the decision making process that led to the attack, but also did the following through his ministry: provided diplomatic cover for one of the Iranian agents that was most involved in the attack (Mohsen Rabbani); furnished the resources that were needed to carry out the actions described above; selected Foreign Ministry operatives to carry out the attack; did a great deal to help complete the final phase of the operation; and took steps to prevent the top Iranian diplomats in the proximate region from being linked directly with the attack.

In short, we feel that it has been proven that Ali Akbar Velayati was part of the "Office of Intelligence", which was responsible for elaborating the preliminary plan; that he was a member of the Committee for Special Operations (Omure Vijeh) that made the decision to carry out the AMIA attack; and that he maliciously made his ministry's infrastructure available for realization of the attack.

This latter action is apparently reflected by the fact that (a) Mohsen Rabbani was granted diplomatic immunity; (b) visas and diplomatic passports were obtained for some of the diplomatic couriers and officials that passed through Argentina under suspicious circumstances in June and July of 1994; (c) the Iranian ambassador and the embassy's Third Secretary were summoned to Iran; and (d) the orchestrated departure from their respective embassies of Iran's ambassadors to Chile and Uruguay.

For all of the reasons stated above, we find that Ali Akbar Velayati participated in the AMIA attack and by request that a national and internal warrant be issued for his capture.

a.4) We shall now analyze the cases of **Ahmad Vahidi** and **Mohsen Rezai**, who also took actions in connection with the AMIA attack.

With regard to the personal backgrounds of Ahmad Vahidi and Mohsen Rezai, the following can be said: Vahidi was commander of the intelligence section of the Revolutionary Guard, and then served as commander of the Quds Force (p. 2.143/2.343 file 209). Vahidi's position was confirmed by Witness A, who stated as follows: "...There is a department called Quds (...) The head of this department is a Sepah brigadier general by the name of Ahmad Vahidi..." (p. 56/86 of file 313).

As for Mohsen Rezai, he was named commander of the Revolutionary Guard by Khomeini. This fact appears to be substantiated by the following statement from the report on the investigation of the attack on the Israeli embassy:

"...Until Jatami became president of Iran, he was head of the Revolutionary Guard, which was created after the Iranian revolution"(p. 27.518 of the case referred to above). Reza Zakeri

Kouchaksaraee made a similar statement: "...At this period [meaning the early 1990s], Mohsen Rezai was head of Pasdaran..." (p. 844/855 of file 209).

It should be pointed out that although the Quds Force (of which Vahidi was commander) was an elite corps with a specific function, it was part of the Revolutionary Guard, which was headed by Mohsen Rezai.

It is necessary at this juncture to provide some background concerning the makeup and functions of the Revolutionary Guard, of which Rezai was the commander, since this will shed light on this group's pivotal position within the Iranian regime. In this regard, Mark Roberts[34] states as follows in a report entitled *The establishment of military forces by Khomeini*: "...Ayatollah Khomeini and the members of the clergy announced the formation of a new and independent military force that would serve to counteract the army and that would be the key to neutralization of future problems caused by armed personnel (...) This new element was called Pasdaran (Guards) and ultimately came to be known as the Islamic Revolutionary Guard. Pasdaran answered to Iran's religious authorities and operated within the established military structure and in parallel with it" (p. 5.293/5.339 of file 263).

Apart from the Pasdaran activities concerning the safeguarding of domestic security and the fight against regime opponents within Iran, what should be emphasized in connection with the AMIA attack is the role the Quds Force played in implementing terrorist operations, although in this

[34] Special Agent in the U.S. Air Force Office of Special Investigations; acting director of intelligence of the 16th Air Force based in Torrejon, Spain and Middle East terrorism analyst at Bolling Air Force base in Washington, D.C.

context it is important to see the connection between what occurred under Mohsen Rezei and the AMIA attack.

The Iranian constitution itself substantiates this profile of Pasdaran. The preamble states as follows, under the heading "Ideological army": "In establishing and equipping the country's defense forces, we will allow for the fact that faith and ideology constitute the foundation and the criterion that we must adhere to. Therefore, the army of the Islamic Republic of Iran and the troops of the Revolutionary Guard will be created in accordance with the objective mentioned above, and will be entrusted with the task of not only protecting and preserving our borders, but also an ideological mission, namely Jihad in the name of God and promoting the rule of God in the world" (p. 10.539/10.611 of file 263).

The following passage from the aforementioned book by Mohammed Mohaddessin (director of the Center for International Relations of the National Council of Iranian Resistance) is also relevant here: "...The activities carried out by the regime's leaders in terms of exporting terrorism and fundamentalism are based on massive financial support and a sprawling infrastructure of networks both in Iran and abroad. The Minister of Intelligence, the Revolutionary Guard, Khamenei's office, the Foreign Ministry, the Islamic Culture and Propaganda Organization, and many other governmental institutions were involved in exporting terrorism." Mohaddessin also points out the following: "...The Revolutionary Guard formed the nucleus of the Iranian regime's foreign activities, planning and executing hundreds of terrorist attacks, bombings, kidnappings, rapes and assassinations of both Iranians and foreigners" (p. 2.143/2.343 of file 209).

The allegations against Rezai are substantiated more strongly when seen in the light of the role assigned to the Quds Force, which was subordinate to the Revolutionary Guard from a hierarchical standpoint and which (as mentioned above) was one of the government bodies that was instructed (along with the Ministry of Intelligence) to carry out the AMIA attack.

The following statement from the report submitted to the Argentine embassy in the UK by the National Council of Iranian Resistance states the following concerning the creation of the Quds Force: "...The Quds Force was created in 1990 following the death of Khomeini. It evolved over the years into one of the most active and elite units in the Revolutionary Guard, a unit that included the Guard's most experienced personnel and commanders... Quds Force activities were coordinated in the same manner as 'the management, planning and execution of foreign operations realized by the Revolutionary Guard.' The commander of the Quds Force reported directly to the spiritual leader of the regime, Ali Khamenei. The Quds Force managed or coordinated all of Iran's terrorist and other activities that had to do with 'exporting the revolution' to other countries" (p. 2.399/2.428 of file 209).

The aforementioned report also states as follows: "Brigadier General Ahmad Vahidi of the Revolutionary Guard, who had been head of military intelligence for the Guard since 1981, was named commander of the Quds Force and of all terrorist elements within the Guard that participated in the planning or execution of terrorist operations.

Mohsen Rezai, who was commander in chief of the Revolutionary Guard at the time, described the Quds Force at the time of its creation as the 'international army of Islam.'

Related to this is the statement made by Mohammed Mohaddessin in his book cited above, to the effect that the Quds Force was part of the Revolutionary Guard and was the most covert of the

Iranian regime's numerous military organizations. Its existence only came to light through its commander, Ahmad Vahidi, and over time it became Pasdaran's most active and best trained elite corps" (p. 2.143/2.343 of file 209).

Reza Zakeri Kouchaksaraee – a reliable source on this matter by virtue of his being president of the Security and Intelligence Committee of the National Council of Iranian Resistance – stated that "it was the Quds Force and Ministry of Intelligence that took action on matters relating to terrorism." He also stated the following: "If you imagine an organizational chart, at the top you have the Leader of the Revolution, then comes the Supreme National Security Council, followed by the Ministry of Intelligence, and finally the Quds Force, which was part of Pasdaran" (p. 844/855 of file 209).

In this regard, Witness A, a former Iranian intelligence agent, said that "...this department (Quds) planned foreign terrorist attacks (Quds)" (p. 56/86 of file 313).

With regard to the modus operandi of the Quds Force, a report issued by the National Council of Iranian Resistance states the following: "...Over a period of many years the Quds Force employed an extremely broad range of methods for its terrorist operations, including the following: suicide bombings, car bombings, kidnapping, planting bombs, taking hostages, hijacking planes, assassinations, and attempts to realize terrorist operations using planes and helicopters" (p. 2.399/2.428 of file 209).

Now that we have summarized the structure and functions of Pasdaran and the Quds Force, which has shed light on the role assigned to these organizations in terms of terrorist operations of the type

that destroyed AMIA, we shall now analyze concretely the involvement in these operations on the part of the heads of these organizations, namely Mohsen Rezai and Ahmad Vahidi.

We have established that both of these men played a decisive role in two different phases of the AMIA operation, one being elaboration of the specific attack plan, and the other related to its implementation in Argentina (after the highest officials integration in the Iranian government at the time had approved the operation).

In this regard, it should be recalled that the "Office of Intelligence" was the body that analyzed the intelligence reports that were submitted by various agents, and that it was on this basis that the plan of attack for the AMIA operation was devised. In describing the origins and main functions of the Quds Force, Hadi Roshanravani noted that in 1990 an office was established that systematically organized terrorist actions abroad. This office was headed by Ali Akbar Rafsanjani, and its personnel included the Minister of Intelligence, the commander of Pasdaran, the commander of the Quds Force, and the Foreign Minister (p. 129/136 of file 209). In other words, both Ahmad Vahidi and Mohsen Rezai were part of this office at the time of the AMIA attack.

Undoubtedly this initial proposal that was considered by the individuals that made up the "Office of Intelligence" must have included various matters such as a consensus concerning certain basic aspects of the operation, as well as the decision to submit to the next higher level in the chain of command (i.e. the Committee for Special Operations (Omure Vijeh)) the plan the individuals in the "Office of Intelligence" had decided on and agreed to. It is noteworthy in this regard that the plan that was submitted to the Committee for Special Operations was the result of teamwork between the individuals that made up the Office of Intelligence. It follows from this that all of these

individuals can be deemed to be accountable for their participation in the AMIA attack. And it has been established that both Vahidi and Rezai were part of this team.

Hadi Roshanravani's statement concerning the aforementioned Office of Intelligence meeting is extremely relevant here: "At this meeting, Vahidi proposed the attack on Argentina" (p. 129/136 of file 209). In other words, Vahidi was far more than just a passive bystander at this meeting, for in point of fact he played proactive role in it by proposing that Argentina be the target of an attack. And his proposal was successful in that it was this exact plan that was submitted for the consideration of the Committee for Special Operations.

It is necessary at this juncture to provide some key background information, since analyzing these matters without an awareness of the content of the relevant transcribed statements could lead to confusion. In fact, a literal interpretation of the statements made by Roshanravani could lead to the inference that Vahidi's proposal concerning an attack on Argentina was made during the Committee for Special Operations (Omure Vijeh) meeting of 14 August 1993.

However, this inference is incompatible with a harmonious interpretation not only of Vahidi's statements, but also of the entirety of the evidence in the case with respect to this particular subject. But as we shall see later, the commander of the Quds Force presented his proposal to the Office of Intelligence, which he was also part of.

Roshanravani pointed out that this body was in charge of evaluating terrorist plans and actions and that after preliminary approval was granted, the plan was submitted for the consideration of the Supreme National Security Council (p. 129/136 of file 209). In this same vein, Reza Zakeri Kouchaksaraee stated that "proposals for a terrorist attack or action originate with a political or intelligence body" (p. 844/855 of file 209). Likewise in the same vein, the All-Party Parliamentary

Group on Human Rights of the British parliament said in a report that the planning and execution of terrorist attacks is an activity that is[35] coordinated by the Department of Intelligence, which carries out its activities within the presidential office of the Iranian regime (p. 1.919/1.982 of file 204).

Hence all of the relevant evidence in this regard indicates that the Office of Intelligence was the agency that devised the plan for the AMIA attack. It follows from this that this office would have had no meaningful purpose if proposals concerning terrorist operations had been formulated and discussed directly at Committee for Special Operations (Omure Vijeh) meetings. But this possibility has been discounted since it is highly improbable and runs counter to the nature of the Supreme National Security Council as well as its place in the hierarchy of Iranian government bodies.

In fact, as has been shown in this report, two Iranian residents of Argentina, Ahmad Asghari and Mohsen Rabbani, attended the Committee for Special Operations (Omure Vijeh) meeting. Their having been summoned to this meeting indicates that during it, Vahidi proposed that an attack be carried out in Argentina, and it of course follows that this proposal antedated the meeting. Consequently, two individuals were summoned to the meeting who were familiar with Buenos Aires, and were highly knowledgeable concerning the target that had been proposed by the Office of Intelligence.

[35] Translator's note: the anomalous verb tense here is a result of the Spanish text inserting a direct quote (which appears elsewhere in the text as such) without putting quotation marks around it.

As has likewise been shown in the present report, when the members of the Committee for Special Operations (Omure Vijeh) gave the go-ahead for the AMIA attack, Minister of Intelligence Ali Fallahijan was designated as chief coordinator for the operational aspect of the attack, while Ahmad Vahidi was put in charge of the attack itself.

As pointed out earlier, the judge (Jacques Antenen) in the case of the murder of the Iranian defector Kazem Radjavi also alluded to the fact that the Ministry of Intelligence had close ties with the Revolutionary Guard (Pasdaran), and particularly with the Quds Force (p. 5.590/5.594 of file 204).

As for the role assigned to Vahidi, the documentation provided by Iranian defectors states as follows: “After this, Khamenei ordered Ahmad Vahidi to form an organization that could carry out the attack" (p. 65/70 of file 209). In this regard, it should be borne in mind that the Quds Force had the authority to act independently, but could also take action in collaboration with the Ministry of Intelligence, depending on the type of operation that was being carried out (see Reza Zakeri Kouchaksaraee’s statement, p. 844/855 of file 209, and the report by the All-Party Parliamentary Group on Human Rights of the British parliament, p. 1.919/1.982 of file 204).

The following statement from a report realized by the National Council of Iranian Resistance is also relevant in this regard: “...According to information obtained from sources within the Iranian regime, the AMIA attack in Buenos Aires in 1994 was planned by the Revolutionary Guard and the Ministry of Intelligence" (p. 2.399/2.428 of file 209).

That being said, it should also be borne in mind that the Quds Force acted under the aegis of the Ministry of the Revolutionary Guard. In other words, it was functionally dependent on the Revolutionary Guard, which means that Quds Force activities were carried out with the knowledge and express consent of individuals who occupied a higher position in the governmental hierarchy – namely Mohsen Rezai. Hence his involvement in the AMIA attack was not just limited to his participation in the Office of Intelligence meeting where the preliminary plan was approved and then submitted for the consideration of the Committee for Special Operations (Omure Vijeh). In fact, Rezai's involvement extended to the implementation phase of the attack, by virtue of his being the designated supervisor of activities realized by the Quds Force in general, and by his subordinate Ahmad Vahidi in particular.

In view of all this, and having analyzed the evidence that was developed during the investigation, we deem proven the fact that Ahmad Vahidi devised the specific proposal for the AMIA attack; that this proposal was discussed during the meeting held by the Office of Intelligence, which both Vahidi and Mohsen Rezai were part of; and that the Committee for Special Operations (Omure Vijeh) adopted the decision to carry out the AMIA attack and instructed Fallahijan and the Quds Force to do so.

And inasmuch as we find that Vahidi and Rezai (like the other suspects) are accountable for the AMIA attack, we hereby request that national and international warrants be issued for their capture.

b) Immunity from jurisdiction for international crimes

Once the courts of a specific country claim jurisdiction over a specific case involving government officials of a foreign state, one of the obstacles to prosecution tends to be the issue of immunity.

The original concept that forms the basis for the theory of immunity is rooted in the principle of sovereignty and independence, as well as that of the sovereign equality of all nations, as set forth in article 2.1 of the United Nations charter.

Based on the concept that all nations are independent and equal under international law, the theory of immunity from national jurisdiction has emerged, according to which foreign states may not be subject to the jurisdiction of a territorial state, i.e. a state whose courts wish to rule on the intentions of another state.

This concept of the immunity of foreign states has given rise to derivative immunities, meaning immunity that is conferred upon government officials under certain circumstances with respect to the jurisdiction of other states. Whereas some officials are subject to broad immunity by virtue of the office they hold (*ratione personae*), the immunity of other officials is based solely on specific actions realized in the exercise of their official functions (*ratione materiae*). Each of these types of immunity is based on a range of concepts, such that individuals that are accorded immunity personify their nation; or that diplomats and other officials that travel abroad are representatives of the nation that has sent them; or that immunity is granted to certain government officials so that they can exercise their functions without interference, or to protect the dignity of the nation. Nonetheless, application of national law and submission to local jurisdiction recognize some basic exceptions to international law, with a view to maintaining good relationships between countries.

With regard to the Iranian officials that are accused of having been involved in the AMIA attack, we feel that there are three relevant options with regard to the immunity issue: (1) One can analyze the position of the Supreme Leader in terms of his being immune from prosecution by virtue of the office he holds; (2) There is the situation of certain individuals who held high government positions at the time of the AMIA attack, but who no longer hold these positions; and (3) There are officials who were legitimate Iranian diplomats in Argentina at the time of the attack but who no longer exercise this function.

With regard to the Supreme Leader Ali Hosseini Khamenei, it is important to determine exactly what is meant by head of state and head of government, so that we can identify the individuals that are subject to immunity from prosecution in this particular case.

In this regard, Manuel Diez de Velasco Vallejo[36] states that the head of state is the highest ranked of all government bodies, including administrative entities. The competencies of the head of state with respect to international law are based on national law, and are indicative of the scope of the head of state's authority and powers of appointment ("Instituciones de Derecho Internacional Público", Madrid Ed. Tecnos, 1973, p. 366).

As we shall see later, there is no standard definition of the concept of head of state, which explains why most authors who write about international public law and constitutional law speak in terms of identifying the specific characteristics and functions that are generally applied in the sphere of international public law. Nevertheless, none of these authors refer to any type of standard

[36] Head of the Department of International Public Law and Director at Universidad Autֿnoma de Madrid

and accepted definition of immunity within the context of international law, nor do these authors draw a clear distinction between the concepts of head of state and head of government.

Lassa Oppenheim[37] has written the following in this regard: "Inasmuch as the state is a convenient abstraction for multitudes of individuals in a country that is ruled by a sovereign government, it needs a leader who acts as a supreme organ, and who represents the country in all of its relationships within its borders and abroad. In a monarchy, the head of state is the monarch, and in a republic the president or a collegial body composed of various individuals (e.g. the Swiss Bundesrat) fulfills this function.

There are no established criteria under international law that a head of state has to meet (...) In his capacity as a body and principal representative of the nation, the head of state acts in the name of the nation within the context of international relations, such that all of his actions that are significant in an international legal context are regarded as actions of the state. The authority to realize such actions is known as *jus representationis omnimodae*, which mainly comprises the following: receiving and dispatching diplomats; stipulating the provisions of international treaties; declaring war; and making peace. The extent to which this authority is independent of national law is an issue that has to be clarified on a case by case basis, since the head of state exercises this authority in the name, and as the representative, of his country, and not on his own authority. (...) The legal status of a head of state in terms of international law is not attributed to him on the personal or individual level, but rather in terms of his function as head of state. His status is based on the rights and obligations of the nation he represents, but not his rights as a private citizen under

[37] Lassa Oppenheim is a former professor of international law at Cambridge University and former member of the Institute of International Law

international law" ("Tratado de Derecho Internacional Público", Barcelona ed. Bosch, 1961, Vol. II, p. 333-334).

Pablo Ramella[38] states as follows with regard to the concept of the head of state: “It does not appear to be possible to have a leaderless political organization. Although nations have various organisms that carry out what is referred to as the nation’s will, it would be absurd to deny that there is in fact a single person who guides and leads the nation, and this person is called the *head of state*. Not all constitutions ascribe the same characteristics to the head of state, and it seems that in parliamentary governments the functions of the head of state tend to be shifted to the prime minister. This leaves the president or monarch as a figurehead without any real authority, although this individual plays an active role in the life of the state. All of this is disconcerting for the study of political and constitutional law, since the existence of such an eminent person with so little influence on the conduct of governmental policy is inexplicable in this day and age. In my view, the existence of the head of state is not determined by his authority. Instead, he is a figure that influences the direction his nation is going in, that guides the nation, and who represents it in the sphere of international relations.” Further on, the author states as follows in criticizing Kelsen’s view: “I am referring to the specific functions of the head of state, in which context he acts as the leader of the nation, as a guide for his people, and as the architect of its history to some extent.” ("La estructura del Estado", 2a edic, San Juan Depalma, 1993, p. 394-397).

[38] Emeritus professor at Universidad Cat‫ה‬lica de Cuyo, former *Senador Nacional* (1946-1952), *Convencional Constituyente* (1949) and supreme court justice (1975-76).

Luis Podestá Costa[39] defines the head of state as follows: “The head of state is the individual that exercises and represents, in a supreme fashion, the political authority that governs in nation. For many years, the term has been used in conjunction with the qualifier ‘sovereign’, which is rooted in the absolute nature of the power that heads of state once exercised. The origin of this position and of the title and the characteristics that are attributed to it are governed by international law, regardless of the title that the head of state holds, the manner in which he obtained his position, the scope of his powers or the manner in which he exercises them” ("Derecho Internacional Público", second printing, Buenos Aires, Tipográfica Editora Argentina, 1985, p. 588-589).

In his discussion of immunity as an exception to the principle of territoriality in application of the penal code, Guillermo Fierro states as follows: “It is important to bear in mind that head of state means the person who represents and exercises supreme political power in a specific nation, and always in relation to that nation’s constitutional principles, regardless of the head of state’s title, the origin of his office or the manner in which he obtained it, and the scope of his powers and the manner in which he exercises them. The head of state can be a one person institution or as is more often the case, it can be collegial, in which case its members are individuals that comply with national norms so that these individuals can represent the nation abroad" ("La ley Penal and el Derecho Internacional", Buenos Aires Depalma, 1977, p. 114-115).

[39] Served as undersecretary for legal affairs of the League of Nations; Foreign Minister in 1955; professor at Universidad Nacional de Buenos Aires; associate member of the Institut de Droit International.

Alfredo Rizzo Romano[40] defines the head of state as follows: “The head of state, whether he is a monarch, president etc., and according to the regime in each country, personifies the nation and its acts, and in so doing reflects (on the basis of a fiction) the collective will of the nation. This representation is of an all-embracing nature. Moreno Quintana calls it 'jus representationis omnímodo', or that which represents the state in one form or another. This is why the head of state is referred to as ‘sovereign,’ without meaning to indicate that he is a monarch, but simply that he reflects the sovereignty of the state to a certain extent. In the eyes of international law, the legitimacy or illegitimacy of the monarch or head of state does not count; all that matters is the effectiveness of his power.

When a head of state’s power is effective, everything that he decides is binding for the nation itself. His functions, as we have seen, consist of recognizing and receiving foreign diplomats, declaring war, concluding peace treaties and alliances, renouncing treaties, and appointing diplomats, in all cases with the assistance of his Foreign Minister. ("Manual de Drench Internacional Public", second edition, revised and expanded, Buenos Aires Plus Ultra, 1989, p. 221-225).

[40] Professor of public international law and human rights and guarantees at the Universidad de Buenos Aires. Holds a Ph.D. in social science and is a former judge of the *Camara Nacional de Apelaciones en lo Criminal and Correccional de la Capital Federal* [criminal appeals court]

Julio Barboza[41] defines the concept of head of state as follows: “A head of state is the highest instance of representation for a nation. In some constitutions, ours being one of them, the holder of executive power is the individual that heads the government. In other systems, such as Britain’s or Italy’s, the head of state has limited powers or only carries out symbolic functions, while executive powers are vested in the head of the government, usually the prime minister. Owing to the importance of their functions, both of these individuals are granted the same privileges and immunities when they are abroad, except with regard to precedence, which is always accorded to the head of state" ("Derecho Internacional Público", Buenos Aires Zavalía, 1999, p. 302-303).

José Pastor Ridruejo[42] takes the following view of the matter: “The head of state is the supreme organ of the state. The head of state can also be the head of government, depending on the constitution of the country in question. In terms of foreign relations, the head of state and head of government act in the name of the state and thus may enter into international agreements, through unilateral acts or by concluding a treaty (...)

On the other hand, under international law, when a head of state is outside his own territory he enjoys certain privileges and immunities that in the past had to do with the person of the head of state, based on the concept of extraterritoriality. Today the concept of head of state rests on the principle of the sovereignty of nations. Article 21.1 of the Convention on Special Missions of 16

[41] Served as president of the United Nations Commission on International Law and was legal counsel for the Argentine Foreign Ministry.
He is currently a United Nations administrative court judge and professor of international law at Universidad Cat┓lica Argentina and Universidad de Belgrano.

42 Professor of international law; member of the Institut de Droit International; and a European Court of Human Rights judge.

December 1969 recognizes the existence of these privileges and immunities. The Convention does not specify these privileges, but primary among them is the privilege of immunity, which means that a head of state cannot be arrested or subjected to coercion personally, nor can his residence, property, correspondence or luggage be subjected to coercion. This inviolability also entails the need for special protection from both a material and penal jurisdiction standpoint, i.e. immunity from jurisdiction, which is all encompassing. But when it comes to the International Criminal Court (...) there is no immunity for heads of state." The author adds: "Insofar as immunities and privileges for a head of government who is not also the head of state, when such an individual is in a foreign country, he also has certain privileges and immunities, including the inviolability of his person and his residence, and complete immunity from penal jurisdiction" ("Curso de Derecho Internacional Público and Organizaciones Internacionales", eighth edition, Madrid, Ed. Tecnos, 2001, p. 472-477).

Max Sorensen[43] defines "head of state" as follows: "Depending on the constitutional structure of the state concerned, the head of state may serve as the head of government as well. In this case, the head of state exercises both functions, as is done in the U.S. and in some newly independent countries. But in many other countries, the head of state exercises only limited functions that are mainly of a ceremonial nature, while the head of government is vested with executive power (the prime minister or president of the council of ministers, as is the case in Britain, the Soviet Union, and Germany. In most cases, the head of state or head of the government has full authority to speak in his country's name in contexts involving international affairs. From the standpoint of international law, it makes no difference whether the head of state's powers are substantive or

[43] Legal advisor to the Danish Foreign Ministry (1956) and member of the European Court of Human Rights (1955).

merely ceremonial. This is generally a matter that is determined by national law. The only exception occurs in connection with the issue of presumption (...) The head of state or the head of government can enter into international agreements in his country's name, irrespective of any constitutional limitations." In discussing the issue of immunity for heads of state and heads of government, the author states as follows: "Immunities, privileges and honors are conferred on the state rather than on the person of the head of state or government. In the past, the theory was based on the dignity of the reigning monarch. In keeping with contemporary theory and practice, immunities are now conferred on the basis of the principle of the equality and dignity of sovereign states, without regard for the title that is granted to the head of state" ("Manual de Derecho Internacional Público", México Fondo de Cultura Económica, 1975, p. 377-381).

And finally, we would like to cite Eugenio Raúl Zaffaroni, who states as follows in connection with immunities: "Persons with immunities are foreign heads of state that are on national territory, in accordance with international common law and the Convention on Special Missions of 1969. The concept of head of state is a broad one, since in cases where the functions of head of state (in the narrow sense of the term) are separated, the concept includes them both" (Zaffaroni, Eugenio R.; Alagia, Alejandro; and Slokar, Alejandro, "Derecho Penal Parte General", second edition, Buenos Aires EDIAR, 2003, p. 202).

A reading of these various views allows us to clearly identify the values that a head of state should represent within each country; but the various passages cited do not clearly define the difference between a head of state and head of government in cases where they have powers and characteristics in common. The reader may have noticed that the authors emphasize factors that

could allow a distinction to be made between the head of government and head of state, notwithstanding a certain amount of ambiguity in this procedure; with the result (as was mentioned at the beginning of this section) that the various authors define “head of state” differently and employ a single standard definition that is accepted in the sphere of international law.

All of the authors basically agree that heads of state are a nation’s highest political authority and should hold effective power within the country regardless of how they acquired their power, the nature of their title, or the extent to which their power is legitimate. This principle is so firmly enshrined in today’s jurisprudence that when Mouammar Ghadaffi was accused of committing acts of terrorism, he was granted penal immunity from prosecution in his capacity as political leader of Libya, despite the fact that according to the constitution, he had no official function at the time (Zappalá, Salvatore, "Do Heads of State in Office Enjoy Immunity from Jurisdiction for International Crimes? The Ghadaffi Case Before the French Cour de Cassation", in EJIL, Vol. 12, No. 3, 2001, p. 596-597).

Important as well in this regard are the remarks made by some of the authors (e.g. Julio Barboza and Max Sorensen) to the effect that a government must have a person who holds executive power. This requirement appears to refer to the person who, within a given political system, determines a country’s policies on a daily basis. But this requirement also alludes to something more concrete than the name of the office indicated in the country’s constitution, something that far exceeds the scope of a “symbolic” figure. Hence the authors must be referring to executive power that is exercised with a view to steering the country’s policies in a certain direction. This appears to be the distinguishing feature of a head of government.

And finally, all of the authors refer to the fact that a head of state represents his nation in international relations. As examples of this, the authors mention the authority to recognize and receive foreign diplomats, declare war, sign peace treaties, forge alliances, renounce treaties, and designate diplomats. In this context, it matters little whether this function entails some other procedure within the state itself such as parliamentary approval. What emerges from the views expressed by Julio Barboza, Max Sorensen and Pablo Ramella is that when a government body is endowed with this function but lacks the aforementioned executive powers, it is considered to be a head of state.

Today we have governments such as that of Argentina where the head of state and head of government are embodied by the president alone, since he possesses all of these attributes (pursuant to article 99 of the Argentine constitution). But there are other countries such as Spain, where these powers are divided between two people. The Spanish constitution defines the king as the head of state, in which capacity he is empowered to accredit diplomats, grant his consent for the country to enter into international agreements, declare war and make peace (pursuant to articles 56 and 63 of the Spanish constitution). The president, on the other hand, is the head of the government (pursuant to articles 97 and 98 of the Spanish constitution), and has the authority to conduct the affairs of the government, civil administration, the military, the country's defense, and (among other powers) coordinate the functions of the other elements of the government.

However, perhaps the views we have outlined here for purposes of making a distinction between the two functions are vague and do not provide a clear picture. This certainly appears to be the case with Iran.

In view of the description of the Supreme Leader in the Iranian constitution, as well as the political and historical significance of this position for Iran, there can be no doubt that the Supreme Leader is the supreme authority of the Iranian nation, that he embodies the maximum instance of state power, and that he is the leader of his nation and people. In short, he is the person who holds the reins of power.

Notwithstanding this fact, according to articles 5, 107 and 113 of the Iranian constitution, the Supreme Leader defines the broad outlines of the country's policies, oversees the manner in which these policies are carried out, oversees the activities of the country's security forces and has the power to declare war or make peace. Thus we see that the Supreme Leader's powers include

elements that are associated with both a head of state and head of government.

However, it should be noted that Iran's Supreme Leader is not the head of its executive branch. He does not sign treaties, agreements or protocols between Iran and other countries; nor does he appoint ambassadors or receive the credentials of foreign ambassadors (article 128), all of which fall within the scope of the Iranian president's powers. Thus the two functions interconnect in this case as well.

Against this backdrop, we will now examine the issue of which immunities are recognized under international law for heads of state and heads of government.

Personal immunities (*ratione personae*) are immunities that are granted under international common law or by treaty to a certain category of government official on the basis of the position he holds. This type of immunity applies to the private and public spheres of certain high ranking

government officials, generally those whose positions involve the conduct of international relations, and particularly heads of state, heads of government, diplomats and other officials who are on special missions for a foreign state.

However, inasmuch as the purpose of such immunities nowadays is to ensure that such officials can carry out their duties without interference, it has been argued that heads of state and heads of government enjoy broader immunities than those accorded to diplomats, whose immunities only pertain to the territory where they carry out their duties, and thus immunities for heads of state and heads of government extend beyond territorial frontiers, i.e. are not limited to a specific state (Zappalá, Salvatore, op. cit, p. 599).

Pursuant to the tenets of human rights, when a head of state (who, as stated above, in some countries can also be the head of government) visits a foreign country, he enjoys a privileged status internationally (Diez de Velasco Vallejo, Manuel, op. cit., p. 366). But in the past, as Manuel Obarrio points out, "Monarchs were not subject to prosecution under the host country's penal code" (Curso de Derecho Penal, Buenos Aires Félix Lajorrane Editor, 1902, p. 74). International custom grants privileges and immunities to heads of state: "There is an international common-law practice according to which foreign heads of state that are in another country are protected by the principle of inviolability and penal immunity" (García, Luis M., "Las excepciones del derecho de gentes al principio penal de territorialidad (Inmunidad penal de representantes and funcionarios extranjeros)", in Revista Jurídica de Buenos Aires, Bs. As. Abeledo Perrot, 1990, vol. III, p. 81). Immunities also apply (a) when a head of state visits a foreign country incognito or for private reasons; and (b) to exiled heads of state if the government of their host country recognizes that the

head of state is the legitimate authority of the foreign state (Fierro, Guillermo J., op. cit. p. 115; Zaffaroni, Alagia and Slokar, op. cit., p. 193).

However, immunity is strictly limited to persons that are protected by international law, which means that co-perpetrators of and accomplices to crimes cannot and do not benefit from this protection (Zaffaroni, Eugenio R.; Alagia, Alejandro; and Slokar, Alejandro, op. cit., p. 193). In the same vein, Julio Maier argues that jurisdictional immunity is a legal obstacle that precludes any penal proceedings against a specific person on the grounds of the function they carry out; but that this immunity expires once the person ceases to exercise this function. In the past, this practice was based on the principle whereby the monarch was totally identified with the state (Fierro, Guillermo J., op. cit, p. 114-115). For Luis Jiménez de Asúa, "the basis of this immunity is purely political and derives from the fact that the foreign head of state represents his nation and thus cannot be answerable to foreign laws" (op. cit., p. 1096). In reality, this can be taken to mean that "when the person who exercises the highest level of authority in a country goes to a country that is not his, he represents the sovereignty of his own country, and thus cannot be answerable to the penal code of the host country by virtue of the principle according to which a sovereign state does not exercise dominion over, and does not sit in judgment against, another sovereign state (*par in parem non habet imperium*) (García, Luis M., op. cit., p. 81).

At the same time, as was mentioned above, the purpose of both immunity and inviolability is to ensure that officials can exercise their functions efficiently and without interference. In this regard, Manuel Diez de Velasco points out that a head of state enjoys such prerogatives "by virtue of the necessity to grant him the means to exercise his functions independently, and (as was said in past

eras) by virtue of the construct of extraterritoriality" (Diez de Velasco Vallejo, Manuel, op. cit., p. 367).

Bohdan Halajczuk states the following in this regard: "As the supreme organ, the head of state enjoys certain immunities which are granted so as to avoid impinging on his independence, or indirectly, on the independence of the state of which the head of state is leader" (Halajczuk, Bohdan T. and Moya Domínguez, Ma. Teresa del R., "Derecho Internacional Público", third edition, Buenos Aires EDIAR, 1999, p. 172). In the same vein, Luis Podestá Costa and José María Ruda state the following: "This special characteristic is not based on the construct of extraterritoriality according to which it is presumed that the place where the head of state is sojourning is part of his own territory. Nowadays the doctrine recognizes that there is no need to embrace this fiction, since immunities are needed in order to ensure that the head of state is completely independent. And as for special privileges, they are accorded for reasons of reciprocal courtesy" (op. cit., p. 588-589).

Owing to the activities that are incumbent upon a head of state's functions, which include sojourning in other countries and exercising his functions there without fear, heads of state enjoy absolute immunity when abroad. This means that while sojourning in a foreign country, they cannot be arrested or detained for any public or private act that was committed either during or prior to their term in office. Consequently, immunity constitutes an obstacle to legal proceedings since it prevents courts from bringing to justice persons that are protected by penal immunity. These immunities expire, in principle, when the head of state leaves office (Diez de Velasco Vallejo, Manuel, op. cit., p. 367).

Insofar as personal inviolability is concerned, heads of state are exempt from any coercive action against themselves, their families and/or their delegation. Penal immunity from prosecution is absolute, which means that the head of state cannot be arrested, nor can be indicted by a court. However, “this does not necessarily mean that heads of state have total penal immunity; it only means that they only have absolute immunity with respect to the penal jurisdiction of foreign countries" (García, Luis M., op. cit., p. 83), i.e. they can be prosecuted in their own country. Hence personal immunity (*ratione personae*) acts as an impediment to prosecution, which means that it does not expunge either the crime or the perpetrator’s accountability therefor. It simply prevents certain officials from being brought to justice while they are in office.

Article 21 of the Convention on Special Missions of 8 December 1969 stipulates that “The Head of the sending State, when he leads a special mission, shall enjoy in the receiving State or in a third State the facilities, privileges and immunities accorded by international law to Heads of State on an official visit.”

However, although the exact nature of these privileges and immunities is not specified, the authors cited above (as was previously mentioned) assert that these privileges and immunities include inviolability, which means that the head of state cannot be subject to any kind of capture or coercion with respect to his person, his residence, his property, his baggage or his correspondence; and that he enjoys complete immunity from penal jurisdiction (Pastor Ridruejo, José A., op. cit., p. 472; and Diez de Velasco Vallejo, Manuel, op. cit., p. 367).

This same high status is also codified in the Convention with respect to the prevention of and punishment for offenses committed against persons that are subject to international protection, including diplomats. The Convention stipulates that the States Parties are required to define in their national laws certain crimes against an "internationally protected person", meaning a head of state, a head of government, a foreign minister, and members of their families, no matter where the person goes in the receiving state (article 1(a)). This protection is provided in accordance with article 221 of the Argentine penal code, which states that "Any person who violates the immunities of a head of state or the representative of a foreign country shall be imprisoned for a period of six to 24 months."

The immunities described in the Convention also apply to heads of government, since their functions are similar to those of a head of state. Article 21(2) of the Convention on Special Missions states as follows: "The Head of the Government, the Minister for Foreign Affairs and other persons of high rank, when they take part in a special mission of the sending State, shall enjoy in the receiving State or in a third State, in addition to what is granted by the present Convention, the facilities, privileges and immunities accorded by international law."

The doctrine upholds the principle that whenever is exercising his functions, he is to enjoy absolute immunity. Alfredo Rizzo Romano states the following with regard to the immunities and privileges of a head of state while in a foreign country: "He cannot be judged in any local court of law for either committing a crime or allowing one to occur" (op. cit, p. 225). Julio Barboza states that a head of state enjoys absolute penal immunity while on a visit to another state (op. cit., p. 303). Max Sorensen states as follows in this regard: "The penal immunity from prosecution granted to heads of state is regarded as absolute. There is no known case of a state having attempted to prosecute a visiting head of state or ruler for a crime" (op. cit., p. 380); José Pastor Ridruejo states

that penal immunity from prosecution is absolute for heads of state that are visiting a country that is not their own (op. cit., p. 473); and Luis Podestá Costa and José María Ruda note that "Penal immunity from prosecution is absolute and applies to the person, their residence and their personal effects" (op. cit., p. 588-589).

Although the statements cited above are categorical when it comes to this clear doctrine of international public law, it is necessary to determine whether this immunity applies to officials that are alleged to have committed an international crime. As Guillermo Fierro has noted, ever since the Nuremberg and Tokyo trials there has been a tendency not to recognize the immunity of heads of state who are guilty of relatively serious violations of international law such as war crimes. Fierro says the following in this regard: "...The protection afforded to representatives of a state by international law do not apply to criminal acts, since the perpetrators of these acts cannot invoke their official character to avoid the normal procedure and thus evade punishment" (op. cit., p. 116; the Israeli supreme court reached the same conclusion in the Eichmann case).

It has been argued in this regard that the principle of the immunity of heads of state is incompatible with the current state of progress in the sphere of human rights and international penal law, particularly with respect to individual penal responsibility for serious violations of human rights.

Although personal immunity (*ratione personae*) only acts as an impediment to prosection, and in principle (as stated above) a government official can be prosecuted for a crime after leaving office, we need to consider the case of heads of state who serve in their positions for life; or governments whose mandate is indefinite. This is the case with monarchies, presidential systems with no term

limits, or positions such as that held by the Supreme Leader of Iran. It seems quite possible that the chances that such individuals will ever be brought to justice is very small, in light of the norms that are currently in effect.

Consequently, and in the interest of preventing the crimes of high officials from going unpunished, provisions have been included in international penal codes prohibiting such persons from invoking their position as head of state or any other government position as a way to avoid criminal responsibility.[44] [45] This tendency represents progress in the realm of international immunities. Nonetheless, it must be borne in mind that a trial before an international tribunal is a different matter, although such a trial entails supranational jurisdictions whose mandate stems from the international community rather than from state organs; and ultimately application of the principal of equal sovereignty among nations will be excluded; and this principal is the bedrock of the theory of immunities (see in this regard the decision by the Special Court for Sierra Leone in the case of Charles Ghankay Taylor. SCSL, Appeals Chamber, Prosecutor v Charles Ghankay Taylor, Case No. SCSL-2003-01-I, Decisión on Immunity from Jurisdiction, 31 May 2004, paragraphs 51/52).

[44] See for example Article 27 of the Rome Statute of the International Criminal Court:
Irrelevance of official capacity
This Statute shall apply equally to all persons without any distinction based on official capacity. In particular, official capacity as a Head of State or Government, a member of a Government or parliament, an elected representative or a government official shall in no case exempt a person from criminal responsibility under this Statute, nor shall it, in and of itself, constitute a ground for reduction of sentence.

2. Immunities or special procedural rules which may attach to the official capacity of a person, whether under national or International *law, shall not bar the Court from exercising its jurisdiction over such a person.*

[45] Translator's note: The text in the previous note is the original English text.

This conclusion also appears to follow from the sentence handed down in the case of Democratic Republic of Congo versus Belgium, where the International Court of Justice established that being tried before an international criminal tribunal such as the International Criminal Court constitutes an exception to *ratione personae* and *ratione materiae* immunities.

Another initiative aimed at abolishing jurisdictional immunity in cases where heinous crimes have been committed is the amendment to the U.S. Foreign Sovereign Immunities Act (FSIA). Enacted into law as a result of the Flatow case, the law grants jurisdiction over foreign states and their officials, agents and personnel, allowing for the filing of federal cases concerning personal damage or death resulting from state sponsored terrorist attacks, so that claims for civil and compensatory damages can be lodged.

The event that gave rise to the Flatow case, as well as the consequent attribution of responsibility for the event to Iranian authorities, are described beginning on page 164[46] of the present report. However, we would like to add here that as a result of this case, nine years ago the U.S. congress enacted The Antiterrorism and Effective Death Penalty Act of 1996 which promulgates an exception to the immunity granted to foreign states insofar as any acts of terrorism are carried out with state support.

This exception revokes the immunity of states that sponsor terrorism. In other words, it revokes the immunity of a foreign state that commits an act of terrorism or that provides an individual or entity that commits such activities with material support or resources for any attack that results in the death or injury of a U.S. citizen. However, congress limited the application of this law to cases

[46] Translator's note: According to the numbers in the text itself

involving foreign states that at the time of the attack were officially designated by the Department of State as a state that supports or sponsors terrorism, or that were so designated after the attack as a result of it. This limitation was imposed with a view to excluding the risk of interfering accidentally with the conduct of foreign relations, and ensuring that the claimant or victim was a U.S. citizen at the time the attack was carried out. In 1996 congress also added the so called Flatow Amendment (Civil Liability for Acts of State Sponsored Terrorism) to the Antiterrorism and Effective Death Penalty Act of 1996, which allows the families of the victims of terrorist attacks to seek punitive damages.

In March 1998 the Flatow family obtained a ruling from a District of Columbia court against the Islamic Republic of Iran, the Iranian Ministry of Intelligence, Ayatollah Ali Hosseini Khamenei, former Iranian president Ali Akbar Hashemi Rafsanjani, and former Minster Ali Fallahijan-Khuzestani for the following: compensatory damages, including funeral expenses; loss of accretions which could have been expected to occur during the course of her anticipated life expectancy; the pain and suffering inflicted on her family; and punitive damages. The ruling also stated the following: “Like foreign sovereign immunity, head of state immunity is a matter of grace and comity, rather than a matter of right.”

The Flatow Amendment overrides the common law doctrine of head of state immunity, as it expressly provides for the application of 28 U .S.C. § 1605(a)(7)’s exception to immunity to ‘[a]n official, employee, or agent of a foreign state … acting within the scope of his or her office, employment, or agency.’ This provision was directed at those individuals who facilitate terrorist

acts which cause the injury or death of American citizens. The provision does not qualify or in any way limit its application only to non-heads of state. Given that state sponsorship of terrorism is a decision made at the highest levels of government (...) This Court therefore concludes that the defense of head of state immunity is not available in actions brought pursuant to 28 U.S.C. § 1605(a)(7) and 28 U.S.C.A." [47]

In view of the common law nature of the principles of international law and their applicability in Argentina by virtue of their inclusion in the Argentine constitution, on which the immunity of foreign states is based in cases such as the one being analyzed here, consideration of an exception of the type derived from the Flatow amendment does not fall within our competency. Moreover, this amendment applies solely in the U.S. and its applicability is limited by issues of a civil nature which in our view are governed by Law 24.488.

A review of various past cases reveals that *ratione personae* head of state immunity applies while the head of state is in office. The only case in which a head of state in office was tried for a crime in a foreign court for having committed an international crime was the case of Manuel Noriega in the U.S.. However the legal basis of that case was different, since it was maintained that the U.S. government had never recognized Noriega as a head of state (United States v. Noriega, 746 F. Supp. 1506 (S.D. Fia. 1990) and 117 F.3d 1206 -11th Circ. 1997).

Spain's *Audiencia Nacional* has passed a number of resolutions that recognize penal immunity from prosecution for foreign heads of state, such as in the case that was brought against Fidel Castro. Spain's *Sala de lo Penal* found that the trial and penal jurisprudence is unanimous in affirming external jurisdictional exemptions concerning foreign heads of state, and that this

[47] Translator's note: The whole quote is the original English text.

constitutes “immunity of a general nature within the penal and jurisdictional order of the receiving state,” which is regarded as being absolute in nature (Sala de lo Penal, Caso No. 1999/2723, rec. 1911/1998, Auto, 4 de marzo de 1999, considerando cuarto).

Hence the *Audiencia Nacional* rejected the appellant’s case challenging the reform concerning the ruling that declared inadmissible the suit against the president of Cuba on the grounds of jurisdictional immunity of heads of state. The court stated as follows: “In conclusion, if Spain recognizes the sovereignty of the Cuban people and maintains diplomatic relations with Cuba, Spanish penal jurisdiction cannot be attributed to a recognition of allegedly wrongful acts (whether the case concerns genocide, terrorism, or torture), inasmuch as one of the appellants is Fidel Castro, who for Spain represents the sovereignty of the Cuban people, since the court finds that the appeal is inadmissible on the grounds that recognition of this appeal would be inconsistent with Spanish penal jurisdiction.

Needless to say, the previous ruling does not in any way contradict a recent ruling of this court, in which the defendant was General Augusto Pinochet, inasmuch as he was no longer a head of state, having ceased to occupy this position at the time the appeal against admitting this case was rejected." (España, Audiencia Nacional, Sala de lo Penal, Caso No. 1999/2723, rec. 1911/1998, 4 March 1999, item 5).

France’s Cour de Cassation heard a case involving a charge against Mouammar Ghadaffi for complicity in murder in an act of terrorism involving the bombing of Union de Transports Aériens flight 772 over Niger on 19 September 1989, which caused the deaths of 170 persons. The court ruled as follows: In view of the fact that international common law opposes the concept that

officiating heads of state can be tried in a foreign court in the absence of any international regulations to the contrary that would apply to the parties concerned; and in view of the current status of international law, the alleged crime of terrorism, irrespective of its gravity, does not fall within the purview of the exceptions concerning the jurisdictional immunity of incumbent foreign heads of state. The court therefore reversed the lower court's sentence and thus ended proceeding on the grounds of immunity (France, Cour de Cassation, Chambre criminelle, 00-87.215, Arrét n° 1414, 13 March 2001).

There have also been cases in Britain that are relevant in this regard, namely those against Zimbabwe president Robert Mugabe and Israeli minister of defense General Shaul Mofaz. In both cases, the presiding judge found that the foreign official that held the position was protected by *ratione personae* immunity and denied a motion to initiate proceedings against these persons for criminal acts that violate international law (England, Mugabe case (Bow. St. Mag. Ct. January 14, 2004) (per Workman, Sr Dist. J), and Application for Request for capture Against General Shaul Mofaz (Bow St. Mag. Ct. February 12, 2004) (per Pratt, Dist. J.), both cases published in 53 INT'L & COMP. L.Q. 769). It is noteworthy that the judge in the Mugabe case expressly referred to the Pinochet case, noting that unlike Pinochet, Mugabe was an incumbent and therefore subject to penal immunity from prosecution.

The International Court of Justice has also recognized complete penal immunity from prosecution and the inviolability of incumbent government officials. In this case, Congo alleged that Belgium had violated the immunities of its Foreign Minister Yerodia Ndombasi while he was exercising his functions by issuing a request for his capture via the exercise of universal jurisdiction (International

Court of Justice, Case concerning the Request for capture of 11 April 2000 ("Democratic Republic of Congo v. Belgium"), Judgment, 14 February 2002).

The majority that voted in favor found that it is firmly established in international law that, irrespective of what occurs in connection with diplomats and consular agents, certain high ranking government officials such as heads of state, heads of government, and foreign ministers enjoy both civil and criminal jurisdictional immunity in other states (para. 51). Such immunities are not guaranteed for their own sake, but rather to ensure that said officials can perform their duties efficiently in the name of their respective states (para. 53). Consequently, while carrying out his functions abroad, the official enjoys total immunity from local penal jurisdiction, as well as inviolability. This immunity and inviolability protect the person to whom it applies from any act of authority on the part of the other state, insofar as such act could constitute an impediment to the performance of said official's functions. (para. 54).

The court emphasized, however, that this jurisdictional immunity does not mean that the official enjoys impunity concerning any crimes that he may have committed, irrespective of the gravity of such crimes. Although jurisdictional immunity can prevent prosecution for a certain period of time or in the case of certain crimes, it cannot exonerate the individual concerned from full penal accountability (para. 60).

For their part, Judges Higgins, Kooijmans and Buerguenthal stated that in the field of international law, a parallel evolution has occurred in connection with the concept of state immunity in civil cases. The growing recognition that perpetrators of serious international crimes must not go unpunished has had an impact on the system of immunities under international

common law for high officials. The judges added that it is generally recognized that in terms of crimes that are frequently committed by high government officials using power that is vested in such officials by the state, immunity is never a substantive defense, and thus cannot be used to exonerate the perpetrators from their personal penal responsibility. This has resulted in a tendency to grant immunity from penal jurisdiction only during the period when the government official that is suspected of a crime is still exercising his functions (para. 74).

In this regard, the judges indicated that until such time as power changes hands, there is little chance that an exterior minister will be brought to justice in his own country, or that his own state will renounce immunity. By the same token, it is uncommon to find an international penal court that has the competency to hear such cases. The judges stated that the only viable alternative would be to launch a proceeding in a foreign country after the suspect leaves office. However, it would be relatively easy for an uncooperative government to anticipate such a situation and simply keep the minister in office for an indeterminate period. (para. 78).

The judges concluded by stating that it is being increasingly maintained that serious international crimes cannot be regarded as official acts, since they are neither normal state functions, nor functions that a state can carry out on its own (para. 85) (International Court of Justice, Case concerning the Request for capture of 11 April 2000 ("Democratic Republic of Congo v. Belgium"), separate opinion by Judges Higgins, Kooijmans and Buerguenthal, 14 Feb. 2002).

In his dissenting opinion, Judge Van den Wyngaert stated that the court's discussion should have sought a balance between the two divergent interests that characterize international penal law today.

These interests are, on one hand, the need to respond internationally to crimes such as torture, terrorism, war crimes, and crimes against humanity; and on the other, the principal of sovereign equality among states and its correlative system of immunities.

The aforementioned vote by the International Court of Justice sheds light on the legal debate concerning the relationship between impunity and immunity. In this regard, it should be borne in mind that international crimes are committed by specific individuals, not by abstract entities, and that in many cases these individuals act in the name of a state. In this context, adopting the view that international conduct that is serious enough to be regarded as criminal can only be attributed to an impersonal state and not to the individuals that order or organize such crimes is unrealistic, as well as an offense to general concepts of justice (para. 31 citing Sir Arthur Watts, 'The Legal Position in International Law of Heads of States, Heads of Governments and Foreign Ministers', in Recueils des Cours de l'Academie de droit international, 1994, III, p. 82). In the same vein, the Nuremberg principles established the following: "The fact that a person who committed an act which constitutes a crime under international law acted as Head of State or responsible Government official does not relieve him from responsibility under international law." (Principles of International Law Recognized in the Charter of the Nuremberg Tribunal and in the Judgment of the Tribunal, 1950, doc. A/1316). All of this shows that when international crimes are involved, immunity cannot constitute an impediment to investigations or trials in connection with such crimes, without prejudicing the court in which the proceedings are initiated, irrespective of whether the cases are tried before national or international courts (para. 31).

Thus it is clear that while immunity is not a synonym for impunity, in practice immunity gives rise to impunity (para. 34). In the judge's view, certain crimes against international law, including genocide and aggression, can only be carried out using the methods and mechanisms of a state and within the framework of state policy. However, immunity should never be applied to such crimes, irrespective of whether their perpetrators are tried before national or international courts (para. 36).

Finally, citing Tomuschat, the judge stated that it would be a "fatal error" to adopt the view that in the absence of an international criminal court with jurisdiction over crimes such as certain acts of international terrorism, or certain grave violations of human rights, heads of state and foreign ministers that are suspected of having committed such crimes can only be tried in their own countries (para. 37) (International Court of Justice, Case concerning the Request for capture of 11 April 2000 ("Democratic Republic of Congo v. Belgium"), opinion of Judge Van den Wyngaert, 14 Feb. 2002).

In our view, functional immunity or *ratione materiae* that establishes that even state officials not subject to personal immunity have jurisdictional immunity in foreign states in connection with acts realized in the exercise of official duties cannot be invoked in regard to crimes that violate international law – including grave acts of terrorism – since committing such crimes can never be regarded as being a normal element of official functions (cf. Cassese, Antonio, 'When May Senior State Officials Be Tried for International Crimes? Some Comments on the Congo v. Belgium Case', in 13 European Journal of International Law, 853, 2002).

Consideration of the residual immunity that comes into play for acts committed in carrying out official functions reveals the extreme importance of defining criteria for distinguishing between acts that should be regarded as official acts, and those which should not be granted immunity.

In the case of Augusto Pinochet, the issue of penal immunity from prosecution and the possible exceptions thereto constituted one of the main issues that was discussed in Britain's House of Lords. The most important question that arose was whether the fact that Pinochet was a former head of state entitled him to *ratione materiae* immunity with respect to acts of genocide, torture and kidnapping.

In first House of Lords case, the majority reached the conclusion that in his capacity as head of state, Pinochet was not subject to immunity in connection with acts of torture and hostage taking, and that such crimes excluded the exception of immunity.

In this regard, Lord Nicholls expressed the view that the main issue to be discussed was whether the acts of torture and kidnapping that were attributed to Pinochet were realized in discharging his duties as head of state and were therefore covered by immunity. To determine this, Lord Nicholls said, it would be necessary to define the functions of a head of state according to international law.

In this regard, Lord Nicholls found that "...under international law, torturing one's own citizens or foreigners cannot be regarded as the function of a head of state. All states repudiate the use of torture as something heinous, even if some continue to use it. Analogously, kidnapping and torture have been banned by the international community as a crime. International law recognizes that the functions of a head of state may include illicit acts, including illegal acts, by virtue of the legislation of his own state or that of other states. But international law has clearly established that certain types of conduct, including torture and kidnapping, are acceptable to no one. This applies to

heads of state even more stringently than to any other person; the contrary conclusion would constitute a travesty of international law." In support of his ruling, Lord Nicholls cited the following from the decision of the International Military Tribunal in Nuremberg: "The principle of international law which, under certain circumstances, protects the representatives of a state, cannot be applied to acts which are condemned as criminal by international law. The authors of these acts cannot shelter themselves behind their official position in order to be freed from punishment in appropriate proceedings." (United Kingdom, House of Lords of London, "Regina vs. Evans and other and the Commissioner of Police for the Metropolis and others -Pinochet-", 25 Nov. 1998; Law 1999-A-432).

Lord Hoffmann voted with Lord Nicholls, whereas Lord Steyn stated that while exercising their functions, heads of state enjoy absolute immunity with respect to civil and criminal actions. However, once they have ceased to perform these functions, this immunity is no longer absolute. Lord Steyn stated in this regard that in order to be applicable, *ratione materiae* immunity must meet two criteria: (a) the suspect must be a former head of state; and (b) the head of state must have been accused of official acts that were realized while he was exercising his functions.

In this regard, Lord Steyn stated as follows: "... The evolution of international law since World War II justifies the conclusion that, at the time of the 1973 coup, and certainly ever since then, international law has condemned genocide, torture, kidnapping, and crimes against humanity (during armed conflict and in times of peace) as crimes that should be punished. At this stage in the evolution of international law, I find it difficult to maintain that committing crimes of this magnitude should be placed on the same level as the exercise of the functions of a head of state."

The House of Lord's second ruling reached the same conclusion, namely that Pinochet was not subject to immunity, on the grounds that the acts that were attributed to him cannot be regarded as a function of heads of state.

Lord Hutton stated as follows in this regard: "Senator Pinochet's alleged acts of torture were realized under the guise of his position as a head of state, but cannot be regarded as functions of a head of state under international law when international law expressly prohibits torture as a means that the state may use under any circumstances and is an international crime." (United Kingdom, House of Lords of London, "Regina vs. Evans and other and the Commissioner of Police for the Metropolis and others -Pinochet-", 24 Nov. 1999; Law 1999-C-653).

Lord Phillips de Worth Matravers came to the same conclusion, although he used a different argument in that he found that immunity does not apply to the commission of international crimes. He stated the following in this regard: "I have reached this conclusion for the simple reason that no established rule of international law requires that *ratione materiae* immunity be granted with respect to an indictment for an international crime. International crimes and extraterritorial jurisdiction with respect to such crimes are both 'new arrivals' in the field of public international law. I do not believe that ratione materiae immunity can coexist with such crimes. The exercise of extraterritorial jurisdiction prevails over the principal according to which a state will not intervene in the internal affairs of another state. It does this because, when it comes to international crimes, the principal cannot prevail. An international crime is that illicit, if not more so, for the international community when it is committed under the guise of a duty. Once the extraterritorial jurisdiction has been established, it makes no sense to exclude acts of an official nature from it.

There can be no doubt that the conduct of which Senator Pinochet is accused by Spain is criminal under international law."

In short, everything indicates that in the current state of evolution of international law, an incumbent head of state and head of government will be covered by absolute penal immunity from prosecution with respect to a foreign state.

For this reason, and apart from whether he is considered a head of state or government, it can be concluded that Ali Hosseini Khamenei is covered by the *ratione personae* immunity that international law granted him while he was in office, leaving aside concerns that have been expressed as to the quasi-lifetime nature of the Supreme Leader's mandate. This is the main reason for our not having discussed Khamenei's situation separately, in contrast to the procedure we have followed for the other individuals whose capture we are seeking.

Ali Akbar Hashemi Rafsanjani's situation is different, since he was no longer in office at the time of the AMIA attack. The same can be said of Ali Akbar Velayati, who was foreign minister at the time of the AMIA operation but has since left that position.

On the other hand, with respect to these officials, they could also be granted residual immunity or in view of the nature of the matter, for the reasons that have been stated; for acts that are regarded as criminal under international law can never be accepted as the official functions of a head of state or government, a foreign minister, a diplomatic agent or any other state official that is involved.

The same conclusions and considerations apply to Ali Fallahijan, Ahmad Vahidi and Mohsen Rezai.

The situation is similar for diplomats that had Argentine accreditation at the time of the attack, namely former embassy Third Secretary Ahmad Reza Asghari and former cultural attache Mohsen Rabbani.

According to Luis Podestá Costa, diplomats are persons that officially represent one state to another state, whether in a general and permanent fashion, or on an ad hoc basis (op. cit, p. 592).

Immunities for diplomats are mainly governed by international common law and the Vienna Convention on Diplomatic Relations. The legal underpinnings of these immunities are primarily functional in nature in that they are not granted for the benefit of individuals, but "to ensure the efficient performance of the functions of diplomatic missions as representing States" (see the preamble to the Convention).

In accordance with the Convention, the person of the diplomatic agent is inviolable and thus he is not to be subject to any form of detention or capture (Article 29). At the same time, the diplomatic agent "must enjoy immunity from the criminal jurisdiction of the receiving state" (Article 31(1)). However, the immunity from jurisdiction of a diplomatic agent of the sending State does not exempt him from the jurisdiction of the sending State, which may relinquish jurisdictional immunity for its diplomatic agents (article 31(4)).

Every person entitled to privileges and immunities shall enjoy them from the moment he enters the territory of the receiving State on proceeding to take up his post or, if already in its territory, from the moment when his appointment is notified to the Ministry for Foreign Affairs or such other ministry as may be agreed (Article 39(1). When the functions of a person enjoying privileges and immunities have come to an end, such privileges and immunities normally cease at the moment when he leaves the country, or on expiry of a reasonable period in which to do so. However, with

respect to acts performed by such a person in the exercise of his functions, immunity continues to subsist (Article 39(2)).

As for Mohsen Rabbani (who by 1984 had obtained a permanent residency permit in Argentina), his situation differed in that a diplomatic agent who is a national of or permanently resident in the receiving state only enjoys immunity from jurisdiction, and inviolability, with regard to official acts performed in the exercise of his functions (Article 38).

However, this immunity does not apply in cases such as the present one for the reasons set forth above with regard to other Iranian officials, nor does it protect the other diplomatic agents involved.

Relevant in this regard is report no. 213/2003 issued by the Argentine Foreign Ministry via its *Consejería Legal* [legal department] in the case of the extradition of Hadi Soleimanpour (see p. 315/331), where it was argued that once Soleimanpour ceased to exercise his functions in the receiving state (which in this case was Argentina), his penal immunity concerning the person of a diplomatic agent expired with respect to any acts that were realized outside the scope of his functions as a member of the foreign mission accredited in Argentina. The report explained that the Vienna Convention on Diplomatic Relations, which is applicable to both Iran and Argentina, grants penal immunity from prosecution to a diplomatic agent providing that he is accredited to exercise his functions in the receiving state. Once the diplomatic agent ceases to exercise these functions,

the receiving state recovers the power to fully exercise its penal jurisdiction over the person that has ceased be an accredited diplomatic agent in said state. An exception to this principal would be

continued penal immunity from prosecution for a former accredited diplomatic agent in the receiving state, after having ceased to perform his functions in this state concerning acts realized in the exercise of his functions as the member of a foreign diplomatic mission. However, acts imputed in the present cannot be regarded as falling within the scope of the functions of a diplomatic agent, inasmuch as according to international law, carrying out assassinations or being an accomplice to such acts does not constitute such a function. The report also argued that pursuant to Security Council Resolution 1373 (2001), acts of terrorism entail the obligation of states to prosecute the perpetrators of such acts and/or the persons who aid and abet such acts. In view of this conflict of norms – between the possibility of granting penal immunity from prosecution and the obligation of the Argentine state to bring to justice all those who have participated in an act of terrorism – it would seem that Article 103 of the United Nations Charter would apply, pursuant to which the Charter takes precedence over any obligations that have been established in other international agreements. Moreover, the Security Council itself (via its president) characterized the AMIA bombing as a terrorist attack and strongly condemned it.

In point of fact, the international community reached a consensus decades ago concerning (a) all such terrorist acts, methods and practices, which constitute criminal and unjustifiable acts, irrespective of where they occur and who carries them out; and (b) the need to eradicate such acts.

This in turn entails a series of obligations that apply to all members of the United Nations, with a view to ensuring that the authors, organizers and sponsors of such acts find sanctuary nowhere and are brought to justice.

Hence, functional immunity does not apply in cases such as the AMIA attack, inasmuch as the perpetration of terrorist attacks cannot be regarded as falling within the scope of the functions of the state under international law. Adopting the contrary view would vitiate the meaning of the concept of immunities and the very justification for their existence and recognition, since it would seem untenable to, on one hand, require all states to investigate and prosecute these acts so that they do not go unpunished, and on the other hand grant immunities to senior state officials who are implicated in such attacks, particularly when, as in the case of the AMIA bombing, it has been shown that the state in question has clearly articulated a policy that benefits its own interests.

In short, senior officials of foreign states enjoy *ratione personae* penal immunity from prosecution in Argentina only while they are exercising their functions. Once they have ceased to exercise these functions, they may no longer invoke residual immunity in order to exempt themselves from penal responsibility, just as committing acts of terrorism can never be regarded as an official act or as an act that is protected by penal immunity from prosecution under international law. Needless to say, under international law perpetrating terrorist acts does not fall within the scope of functions that are attributed to heads of state, heads of government, foreign ministers, diplomatic agents, or any other government official. Consequently, neither Mohsen Rabbani, the former cultural attache of the Iranian embassy in Buenos Aires, nor Ahmad Reza Asghari, Third Secretary of said embassy, are protected by diplomatic immunity.

c) Reasons for and conditions that brought about the AMIA attack

We have thus far maintained in this report that senior officials of the Iranian government that was in power during the period leading up to the AMIA bombing were directly responsible for the

attack. In so doing we have described the decision making mechanism that led to the attack along with the attendant levels of responsibility, and have detailed each role and activity that was realized within a comprehensive infrastructure, culminating in the bombing on 18 July 1994.

We shall now attempt to determine the factors that led to the decision to carry out the attack under circumstances that were conducive to its realization. Thus we will be discussing matters that are crucial to an understanding of the event, as well as the grounds for our request that the suspects in question be captured.

We deem it an established fact that the main driver of the decision to carry out the AMIA bombing was the unilateral cancellation of Argentina's nuclear technology transfer contracts with Iran. However, as we have seen, international terrorism cannot be explained in terms of a mere crime. The criminal behaviors that are associated with religion-based international terrorism comprise a multitude of conditions, causal factors, and/or motivations of a structural and/or economic nature that necessitate an analysis using a logical schema that moves from the general to the particular, so as to ensure that the various drivers of this comprehensive system remain fully transparent.

c.1) The geopolitical context in the Middle East

The end of the 1980s saw the launch of an auspicious process that culminated in a series of peace agreements between the nations and peoples of the Middle East. Thus in 1986, PLO leader Yasir Arafat recognized Israel's right to exist, but demanded that in exchange for this, Israel withdraw from the so called occupied territories (article entitled "Oriente próximo" in the Spanish newspaper *El País*, at p. 4.421/4.501 of file 263).

Another step was made in the same direction in 1988 when Arafat stated at the UN that the Palestinian state was renouncing violence and offered peaceful coexistence with Israel (report by the foreign affairs department of the Argentine Federal Police, p. 2.123/2.1244; references in Yonah Alexander's "Terrorism in the Middle East: Profiles of Selected Groups", p. 9.458/9.549, specifically p. 9.472 of file 263; also p. 3.107/3.219, specifically p. 3.113 of file 392).

Thus, following a series of conflicts that were marked by political and religious elements, in which both sides claimed sovereignty over the territories of the region, the 1990s saw the first moves toward peaceful coexistence of Palestinians and Israelis.

Then came the Gulf War, which was supported by the U.S. and Russia and launched the political negotiation process in the Middle East. The 1991 Madrid conference established what was meant to be the basis of future peace negotiations between Israel, its Arab neighbors and the Palestinians (Alain Gresh and Dominique Vidal, op. cit, p. 28; "Iranian policy with regard to terrorism during the 1990s" by Ely Karmon, whose translation is at p. 1.753/1.765 of file 263; report by the Secretariat of Intelligence, p. 2.024/2.035; cable 010641 for the Argentine embassy in Israel dated 17 September 1991; and cables 010330 and 010338 from the Argentine embassy in Algeria dated 25 and 29 September 1991, on file in the secretariat).

On 30 October 1991 the Conference on Peace in the Middle East opened, with George Bush and Mikhail Gorbachev in attendance, as well as the main Arab leaders and Israeli prime minister Itzhak Rabin. Although the leaders of the disputed territories were not present, they were officially represented by the Jordanian delegation. Negotiations at the conference were conducted multilaterally and bilaterally amongst the countries involved (Israel and Syria; Israel and Lebanon;

Israel and the Jordanian-Palestinian delegation), and revolved around general topics affecting the region. The conference also saw the inauguration of the principle known as “peace for territory.”

1993 saw a major milestone in the peace process. In January of that year, negotiations began between representatives of Israel and the PLO in Oslo, under the auspices of Norway, the U.S. and Russia.

The treaty that was signed in October of that year as a result of what was known as Oslo I, which opened the door to the recognition of the state of Israel, as well as autonomy for the Gaza Strip and West Bank, the future status of Jerusalem and the creation of the Palestinian Authority. The document also governed the relationships between the parties for a provisional period of five years, during which negotiations were to continue ("Oriente Próximo", p. 4.425,4.433 and 4.492 of file 263; and the aforementioned report from the foreign affairs department of the Argentine Federal Police).

As a corollary to these negotiations, Israel and the PLO recognized each other on 9-10 September 1993, thus bringing about a political change of supreme importance for the entire region and a watershed in the Arab-Israeli conflict (*An A to Z of the Middle East*, op. cit., p. 28 and 317; report from the Argentine Foreign Ministry, p. 2.003/2.008; the aforementioned report from the department of foreign affairs of the Argentine Federal Police).

According to the Secretariat of Intelligence, this event stemmed from “...a position of political realism adopted by the parties in the wake of 45 years of debilitating conflict (...) Arafat’s pragmatism was evidenced by his unavoidable decision to recognize Israel as a state that has the

right to exist in the Middle East – despite the opposition of various radicalized Palestinian movements and certain factions within the PLO itself. And Rabin's pragmatism was exhibited by Israel's recognizing Arafat and his organization as representatives of the Palestinian people..." (report, p. 2.024/2.035).

The 13 September 1993 Oslo accord was further strengthened by the Declaration of Principles that was signed in Washington.

This document was a milestone in a process that unfolded over the ensuing five years, whereby Israel ceded part of the occupied territories to the Palestinian Authority and various other agreements were reached on a case by case basis (*An A to Z*..., p. 317-319; article entitled "Oriente Próximo seis décadas en guerra" by Ignacio Álvarez Osorio, professor of Arab and Islamic studies at the Universidad de Alicante, published online in the Spanish newspaper *El Mundo*; www.el-mundo.es; and "Oriente Próximo", cited above, p. 4.492 of file 263).

The Argentine government displayed a marked interest in contributing to the progress of the negotiations between the parties, and took certain positions indicating a desire to play a proactive role on the international stage.

Nor was this approach an isolated phenomenon. The relevant documentation shows that Argentina assumed this stance on an ongoing basis, which in turn reflected the new lines of its foreign policy that was inaugurated in the 1990s and which we will now discuss in detail.

In the early months of his administration, president Eduardo Menem visited Israel and told its leaders that Argentina would be willing to act as a mediator between the Arabs and the Israelis (cables, p. 9.992/10.072, and the translation thereof at p. 10.081/10.129, particularly the translation of BT cable no. 4707 NNNN, "Editorial designa a la Argentina como la segunda base principal del sionismo", p. 10.098/10.100, all of the foregoing in file 263).

During his first official visit to Israel from 1-4 October 1991, which was widely covered by the Israeli media, President Menem indicated to Prime Minister Yitzhak Shamir that Argentina would be happy to host an Arab-Israeli conference in Buenos Aires. Reports from the period characterize this gesture as being "more symbolic than pragmatic." Consequently, it was decided that the conference would be held in a European capital, which is what ultimately occurred (article from the newspaper *La Nación*, 3 October 1991, at p. 1.466 of file 194; cables 010572 and 010836 from the Argentine embassy in Israel, dated 28 August and 4 November 1991, on file at the secretariat; as well as other documentation on file at the secretariat).

Concerning the implications of Menem's trip to Israel, Hugo Juan Gobbi (Argentine ambassador to Israel from 1991 to October 1993) pointed out that "this was a clever tactical move on the part of the Argentine government, and was well received by the government and people of Israel. It was clever because given the international situation at the time, it was definitely a wise idea to show solidarity with Israel" (p. 104.758/104.759 (reverse)).

In this regard, Andrés Agustín Cisneros (who was a top official at the Argentine foreign ministry from 1991 to 1999) observed that "Argentina had always believed (...) that a country such as ours would never play a decisive role in the Middle East conflict, but that it did have a significant

contribution to make in terms of working with the parties to bring about a peace agreement along the lines of what came to be known as the Oslo and Madrid accords. In order to implement this policy, it was necessary for Argentina to remain on good terms with all of the parties involved. It was against this backdrop that President Menem went to Israel and subsequently to Syria" (p. 102.858/102.862 (reverse)).

Taking a global view of the matter, Gobbi observed that “the fact that a leader of Arab origin allied itself with Israel undoubtedly ruffled the feathers of certain countries, particularly since for Arabs national identity is inextricably bound up with blood, religion or ethnicity" (p. 104.758/104.759 (reverse)).

Apart from any reaction that Menem’s stance may have engendered in various parties in the Middle East, one thing is certain: while some element in the diplomatic and political sphere welcomed the prospect of peace in the Middle East, there were also negative reactions to the Arab-Israeli accords amongst extremist groups, which were opposed to any concessions. This opposition was soon expressed by terrorist attacks whose purpose was to derail the peace process (report from the Secretariat of Intelligence, p. 2.024/2.035).

Kenneth Katzman wrote the following in this regard: "The latest phase of operations against Israel began following the start of Middle East peace talks in October 1991, and appears intended, at least partly, to derail the peace process. Hezbollah knows that peace between Israel and Syria and Lebanon will require its dismantlement as a militia. To head off this result, Hizbollah, backed by Iran, has sought to prevent–or at least forestall–any peace agreement among these parties. It can be argued that Iranian opposition to the peace process stems not only from Iran’s ideology, but from a

real political desire not to see its prime offspring, Hizbollah, eliminated."[48] (*Terrorism: national security and the home front*, chapter 1, "Hizbollah: narrowing options in Lebanon," published 15 May 1995, edited by Stephen C. Pelletiere, translated at p. 9.290/9.366 of file 263).

Against this geopolitical backdrop, an analysis of Iran's position is extremely relevant, since this nation has proclaimed itself the mother country of world Islam and is the Middle East's most prominent proponent of antisemitic ideologies, as has been pointed out by Ali Reza Ahmadi, Hamid Reza Eshagi (p. 502/507 (reverse) of file 313), and Reza Zakeri Kouchaksaraee, who was head of the Security and Intelligence Committee of the National Council of Iranian Resistance (p. 844/855 of file 209).

"For Khomeini and his followers, Israel is not only 'little Satan', a perverse creature of Great Britain and the U.S. implanted on sacred Arab and Islamic soil, but is also the state of Jewish infidels that humiliate Islam, the Koran, and the Islamic government and nation" (Ely Karmon, "Iranian policy with regard to terrorism in the 1990s," translation at p. 1.753/1.765 of file 263).

In a similar vein, but from his vantage point as Argentine ambassador to Iran, Norberto Pedro Auge testified to having received information from Iranian elements that reflected the Iranian government's opposition to the peace accords with Israel. Auge also stated that this was a subject that had to be handled with kid gloves so as to avoid incurring the displeasure of local authorities. Auge also observed that "it was clear that the Iranian government was supporting Islamic resistance movements such as Hamas and Hezbollah (...) The Iranian government expressed its disapproval of Yasser Arafat, whom they could not forgive for having negotiated with Israel."

[48] Translator's note: original citation

Concerning the progress of Arab-Israeli peace negotiations in 1993, Auge stated that according to his experience, the success of the negotiations could have left Iran isolated in the regional context, since, if the process included Syria, Iran would have remained the last bastion of opposition to Israel (p. 104.344/104.350 (reverse)).

Iran's role with regard to various peace efforts in the Middle East is discussed in a report by Rand corporation experts issued by the U.S. Department of Defense entitled "Iran's security policy in the post-revolutionary era."

One passage from the report states as follows: "For the past two decades, Islamic Iran has championed the Palestinian cause as the means to assert its claim to Muslim leadership. Iran's rejection of a diplomatic solution as necessarily adverse to Muslim interests, its depiction of the United States as the evil genius behind Israeli strategy, and its implacable opposition to any compromise have been a means for Iran to widen its support among Muslims beyond its otherwise limited Shi'a constituency. Tehran depicts its refusal to countenance any "sellout" of Muslim rights as evidence of its moral superiority to the lackey regimes elsewhere.

Iran's stance on this issue has made it the leader of the rejectionist camp and given it a certain amount of leverage as spoiler. (...) Iran has supported Palestinian terrorist groups, for both opportunistic and ideological reasons...The Palestinian authority has blamed Iran and Iranian-backed groups for bombings in Israel."[49] (p. 8.493/8.603 of file 263).

[49] Translator's note: original citation

According to author James Phillips, the initiation of negotiations between Arabs and Israelis at the Madrid conference in October 1991 engendered a common interest on the part of Palestinian and Iranian fundamentalists in disrupting the negotiations that were being sponsored by the U.S., and thus began carrying out terrorist attacks against Israel (translation of "Iran's revolutionary challenge", p. 231bis/240 of file 263).

Concerning Iran's attitude toward the Middle East peace process, Yves Bonnet, the former prefect of the region and head of French counterespionage, states in his book *La trahison des Ayatollahs ou Le dossier contre l'intégrisme* that Teheran is opposed to peace "out of fear of seeing itself transformed into the next center of attention of the international community. 'If the Palestinian problem is resolved once and for all' Khamenei has stated, 'the U.S. will turn its attention to the main task, which is fighting against Islamic movements' (...) It is in light of this concept that Rafsanjani's speech at the October 1991 'Conference for the support of the Palestinian Islamic revolution' in Teheran (at the same time as the peace conference in Madrid) acquires its full meaning: 'Nothing is more important to us today than the Palestinian problem...It is central and should be our main concern (from the 20 October 1991 edition of the Teheran newspaper *Djoumhouri Islami*). As the head of the Republic of Iran, he also said 'I hereby declare that we are prepared to send soldiers' (from the 20 October 1991 edition of Teheran newspaper *Keyhan*). Shortly thereafter, Khamenei stated that 'The Palestinian only have one way out, which is violent struggle, with sacrifices both within and outside the occupied territories. This is an Islamic struggle to which all Muslims must contribute.'"

Bonnet then states as follows: "Yasser Arafat himself has stated that there is a conspiracy afoot in Iran to derail the peace process. Arafat mentioned this 'Iranian plot' in November 1994, and

warned that the mullahs had threatened to destabilize the Palestinian authority in Gaza and the West Bank" (op. cit., Jean Picoliet editor, Paris, 1995, p. 377/515 of file 209).

Yossef Bodansky, director of the Congressional Task Force on Terrorism and Unconventional Warfare for the U.S. House of Representatives, states in an article on Islamic antisemitism as a policy instrument that antisemitism is a key foreign policy instrument that seeks the destruction of Israel and the derailment of the current peace process. Bodansky cites Fadlallah as follows: "The battle that will be joined after the reconciliation with Israel will be a battle against the subjugation of Arabs and Muslims in Israel in the political, cultural, economic and security spheres" (p. 1.620/1.637 of file 263).

Magus Ranstorp is categorical on this point: "Iran has promoted the destabilization of security in southwestern Lebanon by means of proxies, with a view to obstructing any perspective of accommodation in the Arab-Israeli conflict. For example, prior to the Madrid conference in 1991, the increase in Hezbollah militancy constituted a joint effort with Iran to sabotage the Middle East peace process" (op. cit, translated at p. 3.713/3.853 (reverse) of file 263).

Against this backdrop, Iran attempted to undermine and if possible sabotage the Middle East peace process, faced as it was with mutual recognition by Israel and the PLO, the subsequent negotiations between the parties to the Arab-Israel conflict, and the possibility of Iran's becoming isolated vis-a-vis the other countries of the Islamic world that had signed Middle East peace treaties in the early 1990s.

In a *Times of London* article of 28 July 1994, Christopher Walker stated the following with regard to this matter: "At a time when the Arab-Israeli conflict appears to be close to a solution, a major confrontation that is potentially more damaging is beginning to emerge (...) Western intelligence regards a number of pro-Iranian groups, including Hezbollah, Hamas and Islamic Jihad, as well as other lesser known groups, as being protected by a large shelter whose personnel is often interchangeable (...) The ideology, training, money, arms and oftentimes orders come directly from Iran. The two bombs that exploded at Jewish targets in London are regarded as an extension of the war of attrition with Israel in which Iranian agents play a major role" (on file at the secretariat, p. 3.139/3.141 of file 392).

Ian Black, a journalist with experience in the Middle East, also addressed this issue in a 30 July 1994 article in the British newspaper *The Guardian*, where he states that the number of victims in the AMIA attack "constitutes a bloody reminder of what determined and lucky terrorists can accomplish. The explosions that occurred in Argentina and Great Britain thousands of miles from the Middle East will continue to reverberate long after the dust settles. Is this the death rattle of the Middle East conflict, or is it the beginning of a new and violent phase? (...) All concerned agree that if you take a look at the list of delinquents in the Middle East, Iran is the only country with the agenda and the resources needed to orchestrate and support actions of this nature (...) Iran makes no secret of its hostility toward Israel and the peace process (...) Iran's representatives and the parties it protects are Hezbollah, Islamic Jihad, and Ansarullah (the followers of God)..." (article on file in the secretariat, p. 3.146/3.149 of file 392).

A Financial Times article published several days after the attack on the Israeli embassy in London (concerning the fact that there had been signs in the year prior to the attack of a terrorist threat against the embassy) made a similar point: "...The news of the existence of the report will be a source of embarrassment for security officials, who have come under fire from the Israeli government for having ignored requests for additional security following the attack on the Jewish community in Buenos Aires on 18 July (...) The report does not refer specifically to the Israeli embassy. However, it does identify the growing threat of terrorism from Iran and fundamentalist groups such as the pro-Iranian Lebanese group Hezbollah, as well as Hamas, which is based in Damascus. Both groups oppose the Middle East peace process" (article on file in the secretariat, p. 3.155/3.156 of file 392).

Israel's position concerning the AMIA attack was clearly expressed in a letter from its permanent representative the UN, Gad Yaacobi, who stated on 26 July 1994 that Hezbollah, like other organizations of the same ilk, acts in the name of a radical fundamentalist ideology and that such groups aim to block the Middle East peace process, and receive assistance from countries – "first and foremost among them being Iran" – that are known opponents of the peace process and of international terrorism (p. 841 of file 204).

The relationship between the AMIA attack and the Middle East peace process was mentioned in the official Argentine statement on the attack, in a letter that was sent by Argentine foreign minister Guido Di Tella to the UN secretary general on 27 July 1994. Its most relevant passages are as follows:

"...The further the investigation into this crime progresses, the more certain my government grows concerning the origin of and responsibility of foreign terrorist organizations, and the

possibility of links between these organizations and foreign governments, a scenario that is under investigation. Nor can we rule out the possibility that support might have been provided by a marginal group that resides in Argentina."

"The course of events since the 18 July attack supports the theory that the purpose of the bombing in Buenos Aires was to derail the peace process in the Middle East, whose progress upsets the extremists..." (p. 844/845 of file 204).

The overall framework of the AMIA bombing is also elucidated by an analysis of the "Ansar Allah" communiqué claiming responsibility for the attack. And although this topic is discussed in detail elsewhere in our report, it is worthwhile to cite the relevant passages[50] from the last paragraph of the document (p. 27.531/27.533): "...By the same token, we are committed to overthrowing all endeavors involving betrayal of the Islamic nation and capitulation that have been undertaken and that are currently ongoing on both the Palestinian and Jordanian fronts in concert with its mainstays, which are Arafat the leader of the treacherous endeavors, as well as King Hussein of Jordan and handmaiden of Zionism and universal imperialism, and the Egyptian president, who benefits from this reality..."

In view of all the foregoing, it seems reasonable to conclude that the AMIA attack was the embodiment of a kind of terrorism that internationalizes a conflict whose roots lie in a different geographic region. Progress in the peace process following the conferences that were held in 1991 provided an overall motive for the opponents of peace in the Middle East, and as we have seen,

[50] Translator's note: *sic* in the Spanish (two passages and pages are mentioned, but apparently only one passage is cited).

these opponents resorted to methods of extreme violence in an effort to block peaceful reconciliation between the peoples involved.

c.2) Reasons for carrying out an attack in Argentina

We shall now describe selected aspects of the situation in Argentina in the early 1990s.

In terms of the circumstances surrounding the AMIA attack, it is essential to point out that in the 1990s the Argentina's immigration control system left something to be desired. An FBI report issued in 1998 stated as follows: "Argentina has 178 points of entry. This figure includes airports, maritime ports, and terrestrial passport checkpoints that check people and vehicles entering from Chile, Paraguay, Brazil, Bolivia and Uruguay. Of these 178 points of entry, eight are computerized. The GFDA (Federal Government of Argentina) has acknowledged the necessity of improving its immigration control practices and establishing a computerized immigration information system. Argentina's participation in Mercosur, an economic pact similar to Nafta, has complicated efforts to improve the control of Argentina's borders, since the signatories to the pact were asked to implement open borders" (FBI report, file 271).

FBI Special Agent James Bernazzani testified at our offices in July 2006 that one of the motivations for carrying out an attack in this part of the world, apart from the presence of "appealing Jewish targets," was the large Arab population in the Triple Border area and the fact that it is easy to cross these borders. (p. 121.946/121.950).

This characterization lends credence to the statement made by Abolhassan Bani Sadr, when, on being asked about the decision making system for selecting targets for terrorist attacks, he responded that it is essential that the operation not incur any risks, and toward this end the extent to which it is easy to enter and leave the country is taken into consideration, which is the most

important factor (p. 724/736 of file 209). In this regard, the characteristics of the Triple Border area merit particular attention by virtue of the specific features of this area and the links that were detected (in 1994) between this area and elements of the pro-Iranian terrorist group Hezbollah.

In explaining Iran's interest in obtaining nuclear technology, Abolghasem Mesbahi substantiated the aforementioned hypothesis, stating that one of the main reasons, or perhaps the main reason, for choosing Argentina was that it is a more secure country than Chile or Brazil for the realization of terrorist and intelligence operations (p. 141 of file 204).

The same line of reasoning is suggested by Bruce Hoffman's statement to the effect that he felt that Argentina may have been a suitable "battleground" by virtue having been identified as a relatively unprotected target where terrorists could carry out their activities (p. 790 of file 267).

Witness A was even more categorical in this regard, indicating that "It's very easy to enter and carry out actions in this country, where the difficulties and circumstances of European countries are nonexistent" (p. 25/26 of file 313).

Persons of Middle Eastern origin also attested to the fact that it is very easy to enter Argentina. One of the clearest statements in this regard came from the testimony of a Lebanese businessman (now residing in Argentina) by the name of Hussein Ghaleb Fares, who stated that "in the past Argentina issued visas freely" (p. 1.678/1.684 of file 277); this was corroborated by Mohammed Reza Baharkoush, an Iranian national who came to Argentina in 1988 on a tourist visa (p. 2.196/2.201 of case 1627). James Bernazzani also stated that it was very easy to enter and leave Argentina via the Triple Border area. In response to a question concerning the documentation that

was used by a specific operative, he stated as follows: “Perhaps they didn’t need to use a false passport in the Triple Border area simply because they didn’t need a passport at all" (p. 121.946/121.950).

In view of these facts and in light of the evidence that has been analyzed, it may well be that the perpetrators of the AMIA attack took note of and exploited these vulnerabilities in Argentina’s immigration control system.

The statement by Manoucher Ganji to the effect that “Iran always carried out attacks based on the assumption that they could be realized with immunity and impunity” (p. 65/69 (reverse) of file 352) and Xavier Raufer’s comment to th effect that “...If they committed two attacks and there was no reaction...they had exposed its vulnerability” (p. 799 of file 267) may also indicate that the prospect of impunity of this nature may have played a role in planning a terrorist attack in Argentina.

At the time of the AMIA bombing, the situation in Argentina was as follows: its borders were permeable, its immigration control system was inefficient, and the status of the investigation of the bombing of the Israel embassy two years previously indicated that the perpetrators were unlikely to be apprehended. All of this made Argentina a suitable choice not only as a center of Iranian intelligence activities, but also (and above all) as a target country for a new attack.

But at the same time, this context should also be seen against the backdrop of the termination by Argentina of its nuclear technology transfer agreement with Iran – a circumstance that in our view undoubtedly weighed heavily in Iran’s decision to carry out a terrorist attack in Argentina.

It should be noted in this regard that the two countries initiated negotiations in 1985 with a view to entering into contracts concerning various aspects types of technology transfer, particularly for nuclelar power generation.

Roberto O. Cirimello, director of Argentina's Atomic Energy Commission (the CNEA) stated that the negotiations between his organization and its Iranian counterpart were realized over a period that spanned three successive administrations (p. 1.137/1.142 of file 194).

Although this relationship began in the 1970s (see the testimony by the former chairman of the CNEA, Manuel Ángel Mondino (p. 109/113 of file 194)), the relevant report states as follows: "The negotiations began and were realized between 1985 and 1987 when Alberto Constantini was president of the organization, and continued from 1987 to 1989 under Emma Pérez Ferreyra, and entered their final phase from 1989 and 1991, and were completed in the latter year under Manuel Ángel Mondino".

According to the reports in file 194, the first period under Roberto Cirimello (1985-1987) involved a series of visits to Argentina's nuclear installations, exchanges on theoretical matters, and training Iranian technicians in the various relevant domains (p. 1.137/1.142 of file 194). The Secretariat of Intelligence indicated in this regard that the Iranian technicians who came to Argentina for training during the 1980s did their training using the facilities at Instituto Balseiro, which is located in Bariloche in the province of Río Negro (p. 1.259/1.260 of file 194; p. 16 of the Annex "Relaciones Bilaterales" in *Informe Internacional*). This institution was founded in 1955 on the basis of an agreeent between the Universidad Nacional de Cuyo and the Argentina Atomic Energy Commission (the CNEA) (www.ib.edu.ar).

The CNEA indicated that the interaction between it and the Iranian Atomic Energy Commission officially began with the visit that was realized from 31 October to 6 November 1985. In response to a formal invitation from the president of the CNEA, an Iranian delegation came to Argentina headed by Reza Amrrollahi, chairman of Iran's Atomic Energy Commission, and accompanied by Mostafá Sohrabpour, a specialist in gamma radiation, and Massoud Samiei, an adviser to the chairman of the Iranian Atomic Energy Commission.

During this first visit, the Iranians toured Argentina's nuclear installations and began exploring the possibility of certain joint ventures being realized by the government of Iran and Argentine nuclear providers. Toward this end a steering committee was created.

In testimony given at our offices, Darío Osvaldo Jinchuk, currently head of the Department of Bilateral Relations at at the CNEA, corroborated the aforementioned facts, adding that Massoud Samiei, an advisor to the chairman of the Iranian Atomic Energy Commission, was "a key player, since he attended all of the ensuing negotiating sessions with Argentina" (p. 1.721/1.724 of file 194). Previous to the aforementioned visit, Samiei had attended a workshop on atomic energy development that was given in Argentina from 22-24 May 1985 (the CNEA report, p. 1.138, file 194).

From 12-21 March 1986, at the invitation of the Iranian Atomic Energy Commission, Jorge Mazza, an engineer and representative from the nuclear provider ENACE, attended a national conference on nuclear technology and science in Teheran, where he obtained information on the status of the Busher I nuclear power plant, on which construction had come to a standstill, with a view to having ENACE form an international consortium to complete the project.

The initiial steering committee meetings were held in Buenos Aires from 20-25 May 1986. The Iranian delegation was composed of Hadji Azim, vice president for nuclear power plants; Hadji Saeed, vice president for research and development; and Massoud Samiei. The Argentine delegation was composed of Abel Gonzalez, president of ENACE; Oscar Quihillalt from the nuclear power plant department; and Renato Radicella, director of international projects.

According to information from the CNEA, the committee's activities centered around continuing to explore the possibility of undertaking a joint project. The Iranian delegation visited Argentine nuclear installations and intiated discussions with two companies, INVAP and ENACE (p. 1.138 of file 194).

Iranian delegations also visited Argentine nuclear installations in 1986 and 1987, during which time the training of Iranian technicians continued, as did consulting by Argentine experts that visited Teheran for this purpose (report, p. 1.139; testimony of Darío Osvaldo Jinchuk, p. 1.721/1.724, both in file 194).

From 10-17 August 1986 the following Iranian delegation visited Argentine nuclear facilities: Heydari, Hasemdaie, Dorabad and Khayati, who were engineers as well as being members of parliament; the manager and assistant manager of the Busher nuclear power plant, which was under construction at the time; and the engineers Momen and Khabir.

Another delegation visited Argentina from 2-13 February 1987. This delegation was headed by Masoud Samiei and its other members included (among others) officials from Iran's nuclear research facility in Esfahan. The delegation visited Argentine nuclear installations, held discussions

on technical matters with with CNEA personnel, and continued the negotiation process with INVAP and ENACE.

As a result of these negotiations, the aforementioned second period (1987-89) saw the realization of the envisaged commercial project. The contractual parties were Iran's Atomic Energy Commission and the Argentine company INVAP, which was a wholly owned subsidiary of the province of Rio Negro.

The company's CEO Héctor Eduardo Otheguy told us that at the beginning of the project 51% of the votes at shareholder meetings were transferred to the CNEA, and that the latter organization appointed between four of the seven senior managers, including the president, between the time the consortium was established until the end of the 1990s (p. 1.727/1.728 (reverse of file 194).

The first contract (identified as PT 963) was signed on 4 May 1987 between the Iranian Atomic Energy Commission and INVAP. The contract called for INVAP to convert the core of the reactor at the nuclear research center in Teheran (which had been constructed by a U.S. firm) into a facility that could be used for 20% enrichment of isotope 235. Provisioning of the new core was also included in the contract (report, p. 1.137/1.142 of file 194; testimony by Manuel Ángel Mondino, 109/113 of file 194).

According to what Darío Osvaldo Jinchuk told us, the commercial operation was worth approximately 5.5 million dollars and involved the realization of various operational and maintenance tasks nuclear facilities from 1983 to 1994 (p. 1.721/1.724 of file 194).

Subsequent to this, in 1988, two new contracts (identified in this case as PT 716 and PT 717) were signed between the same parties for the provisioning of a pilot uranium purification and conversion plant, and for the provisioning of a pilot plant for the manufacture of fuel elements, both of which projects were to be realized by the Centro de Tecnología Nuclear de Esfahan (report p. 1.137/1.142, testimony of Héctor Eduardo Otheguy, CEO of INVAP S.E., and of Darío Osvaldo Jinchuk, at p. 1.060/1.062 and 1.721/1.724, respectively in file 194).

According to the testimony of the previously cited engineer Mr. Jinchuk, the first of the contracts was signed on 3 October 1988 and was worth 9.7 million dollars, whereas the second, signed the following day, was worth 15 million dollars (p. 1.721/1.724 and the aforementioned, on file in the secretariat).

With regard to the manner in which the contracts were implemented, following a series of disagreements concerning the bank guarantees that were submitted by Argentina, the contractual work got underway in early 1991. Actually, INVAP had begun manufacturing the elements needed to fulfill the contract and the first shipment was scheduled to be sent to Iran in early December 1991 (testimony of Mondino and Otheguy, p. 109/113 and p. 1.060/62 of file 194, respectively).

Notwithstanding the fact that the two nuclear power plants ultimately were not constructed, the training of Iranian techncians continued following the signing of the contract.

There were also further visits from Iranian delegations, which visited Argentine nuclear facilities and continued negotiatiog with INVAP.

The engineer Cirimello pointed out that from the outset, one of the subjects that Iran's Atomic Energy Agency showed an interest in was production technology for heavy water, which the CNEA was developing at the time and which was to be realized via the construction of a plant similar to the Atucha I facility (see report, p. 1.137/1.142, and testimony, p. 109/113, file 194).

In this regard, the CEO of INVAP stated that the discussions between the CNEA and the counterpart Iranian organization concerning a heavy-water plant were realized with a view to future collaboration between the two organizations (p. 1.060/1.062, file 194). Darío Osvaldo Jinchuk noted that from the beginning of the negotiations, Iran showed an interest in obtaining the technology that would allow for the prodution of heavy water. The Iranians wished to acquire a turnkey pilot plant similar to Argentina's Atucha I facility. The witness went on to say that the negotiations were cut short owing to the fact that Argentina's technology was still under development (p. 1.721/1.724).

The third stage of the relationship between Iran and Argentina was marked by the suspension and definitve cancellation of the accords, owing to a turnabout in Argentina's foreign policy.

The incoming Argentine foreign minister Domingo Felipe Cavallo clearly and succinctly explained the three goals that he had been given by then president Carlos Menem. Mr. Cavallo stated as follows: "I received three very precise instructions concerning foreign policy. First, I was told to find a mechanism that would enable us to reestablish relations with Britain without affecting our soverign rights over the Falklands. The second goal was to substantially improve our bilateral relations with the U.S. And the third goal was to modify Argentina's foreign policy toward Israel" (p. 25.395/25.409 (reverse), and copy, p. 82/96 (reverse) of file 194).

This was strongly corroborated by Jorge Alberto Vázquez Agodino (who was named ambassador to the UN in 1989) when he referred to the radical change in the country's diplomatic posture, particularly that of the government. He also said that Argentina had decided to leave the ranks of the nonaligned nations: "The other circumstance that demonstrated the change is that Argentina began voting with the U.S. and Israel, and in the presence of the rest of the world, on all of the sensitive issues on the UN's international agenda" (p. 765/768 of file 194).

In this regard, Andrés Agustín Cisneros stated that in the architecture of the Menem administration's foreign policy, one of the key goals had been to obtain credibility on the world stage by selling sensitive military equipment in a transparent manner. Cisneros stated as follows: "Argentina had recently sold missiles to Iraq, and substantial quanties of arms to countries that were embroiled in conflicts; and in his view it was in the national interest to be a country that worked for peace and did not promote armed conflict. Thus the suspension of the nuclear shipments to Iran was not an outgrowth of our foreign policy toward Iran, but was in fact an expression of our policy toward the world in general" (p. 102.858/102.862 (reverse)).

In terms of the AMIA attack, Foreign Minister Cavallo indicated that the U.S. government objected to the sale of nuclear technology to Iran, although the objection was not lodged at the same hierarchical level as had been done for the so called Condor Plan, which involved arms exports to Iraq. The objection was made via the undersecretary for Latin American affairs, who later stated as follows: "The U.S. government was also definitely concerned about the export of nuclear technology to Iran" (p. 25.395/25.409 (reverse), and a copy, p. 82/96 (reverse) of file 194).

Darío Osvaldo Jinchuk corroborated the statement by the former foreign mininster, saying that "in December 1991 we were ready to load the initial components at the port of Campana. The shipment was never realized because the U.S. government, via a diplomat from the U.S. embassy in Buenos Aires, notified our Foreign Ministry that the U.S. would be displeased if the two contracts were continued. In light of this, the Foreign Ministry instructed CONEA and INVAP to suspend the contracts. This constituted a unilateral cancellation on Argentina's part, which later resulted in Iran suing INVAP for compensatory damages." The witness concluded by saying that this was "a purely political decision on the part of the federal government" (p. 1.721/1.724 of file 194).

And so this was the situation, at least when it came to one of the new policy lines for the conduct of foreign relations. The then-head of the CNEA stated that on 11 December 1991 he ordered the suspension of the shipment of nuclear material to Iran. This put an end to realization of the first contract, despite the contract having been approved by the president of Argentina on 18 February 1992 (testimony of Manuel Ángel Mondino, p. 109/113 of file 194).

As we have seen, and according to the testimony of Manuel Ángel Mondino and Ambassador Enrique Julio de la Torre, the Foreign Ministry's decision was adopted on 11 December 1991 at the behest of the president of Argentina. The CNEA was informed of the decision via a note from Ambassador Olima, who at the time was foreign relations secretary (p. 109/113 and 1.736/1.738 (reverse) of file 194).

On 27 May 1992, the chairman of the CNEA received a note from the Foreign Ministry informing him of the definitive cancellation of contracts PT 716 and PT 717 between Iran's atomic

energy agency and the state owned Argentine company INVAP (p. 1.736/1.738 (reverse) and 1.727/1.728 (reverse) (reverse, file 194).

In the interest of understanding the motives, implications and significance of Argentina's attitude, suffice it to say that there were serious doubts at this time in the international community concerning the real scope of Iran's nuclear program. Although Iran was a signatory to the Nuclear Nonproliferation Treaty, and had signed a safeguards agreement with the IAEA, there were concrete indications that Iran had non-peaceful plans for its nuclear capacities.

On 26 April 2006, Enrique Julio de la Torre (who was head of the International Security, Nuclear and Space Affairs section of the Foreign Ministry) testified in our offices, and in so doing provided detailed information with respect to the aforementioned matter.

He stated that the main reason for the cancellation of the contracts had been "the statements made by president Rafsanjani, who maintained that Iran had the right to make nuclear weapons and that it would never be deterred from this aim. In view of this statement, which ran counter to the Nuclear Nonproliferation Treaty, which Iran had signed, Argentina decided to discontinue relations with Iran in terms of nuclear technology transfer."

The witness added that in addition to this crucially important factor, the decision made by the president via decree 603/392 creating the National Commision for the Control of Sensitive Exports and Military Equipment also had an effect on this decision.

In the interest of determining the impact of Argentina's decision, it is helpful to look at an evaluation of Argentina's political and diplomatic relations with Iran, as set forth in a report issued by the Foreign Ministry on 20 October 2000 (p. 1.170/1.216 of file 194).

The report states that in February 1992, the then-Argentine ambassador in Iran Norbeto Auge was summoned to Iran's Foreign Ministry by an official there named Fadaie Fard, with a view to expressing Iran's displeasure concerning the cancellation of the INVAP contracts with Iran.

This is substantiated by cable 010045/1992 of 10 February 1992 sent by Argentina's ambassador in Iran, in which apart from noting the displeasure cited above, he emphasized the fact that the transfer of nuclear technology was of great importance to Iran, far more so than other international political issues. The Argentine ambassador also stated that his Iranian interlocutor "concluded the interview by emphasizing the fact that Iran would take legal action if the contract was not fulfilled. Political positions taken in recent years by the government of Argentina – such as closer ties to the the U.S., sending troops to the Gulf War, withdrawing from the nonaligned movement – although not to Teheran's liking, will apparently not alter their pragmatic attitude toward Argentina. However, I would guess that cancellation of the aformentioned operation would affect bilateral relations, and probably Iran's very significant position as a purchaser of Argentine products..." (cable cited above, on file in the secretariat).

Iran's displeasure with what had occurred soon became palable. On 26 February 1992, the head of the Americas section of the Iranian Foreign Ministry expressed his government's surprise at Argentina's claim that it was unaware of any pacifist and nonproliferation objectives, and emphasized the need to find a solution to the problem so as to avoid any impact on the performance of other contracts, "this being a clear allusion to the substantial purchases by Iranian companies of

Argentine products" (cable 010065/1992 from the Argentine embassy in Iran, on file in the secretariat).

Manuel Ángel Mondino (who was chairman of CNEA from 8 July 1989 to September 1994) provided further details on this matter. He stated that at a meeting held on February 1992 in Vienna, his Iranian counterpart, Reza Amrollahi, told him that if the Argentine government didn't change its position, the trade relations between the two countries would suffer. Amrollahi also pointed out that his country regarded trade with Argentina and the contracts for the provisioning of nuclear technology as being in "the same basket" (p. 109/113 of file 194).

In this same vein, the Argentine Foreign Ministry stated that in February 1993, M. Ayatollahi, Iran's permanent delegate to the International Atomic Energy Commission, visited the Argentine embassy in Austria. During this visit, the Iranian expressed his concern regarding Argentina's decision (which he characterized as being unilateral) to cancel the export of nuclear material to his country, inasmuch as this project did not in any way involve the transfer of sensitive technologies, and that he hoped that a solution would be found and that the contracts could be renegotiated (p. 1.170/1.216 of the report, p. 1.217 of file 194).

Between 1992 (when the decision was made to cancel the shipments and contracts PT 616 and 717) and February 1993, Iranian officials continued insisting that Argentina review its position with regard to these actions. In this context, it should also be mentioned that Iran sued the state owned company INVAP, a dispute that was settled out of court in 1996.

The evolution of this legal proceeding was elucidated by Héctor Eduardo Otheguy (CEO of INVAP as from August 1991), who indicated that over the course of 1992 there were contacts between INVAP and Iran's Atomic Energy Agency in the expectation that the Argentine government would review its decision and that it would be possible to resume the contractual activities – although it was felt that the decision to cancel the contract was not attributable to INVAP. The witness added that at various times in 1993, 1994 and 1995, attempts were made to find a definitive solution that would be acceptable to both parties (p. 1.060/1.062 of file 194).

During his testimony in our offices, Mr. Otheguy indicated that the Iranian negotiators kept trying to make it seem that the Argentine government was implicated in everything related to the contracts. He also stated that INVAP preferred to avoid this simply because they were a company. The witness then stated that the first monetary claims lodged by Iran amounted to approximately 100 million dollars (p. 1.727/1.728 (reverse), file 194, a fact that was corroborated by the CNEA official Darío Osvaldo Jinchuk (p. 1.721/1.724 of file 194).

Finally on 10 January 1996, a telex was received indicating that Iran had filed a suit against INVAP in Iran, and that the first hearing would be held on 20 January 1996. The complaint stated that although Iran's Atomic Energy Agency had fulfilled its contractual obligations, the Argentine party had not fulfilled theirs and had indicated that they would not do so at any time in the future. On these grounds, Iran claimed damages amounting to 40 million dollars[51] (testimony by Darío Osvaldo Jinchuk and Héctor Eduardo Otheguy, p. 1.721/1.724 and p. 1.060/1.062 respectively;

[51] Translator's note: *[sic]* in the Spanish; a far larger sum is indicated in the previous paragraph

amplification by Otheguy, p. 1.727/1728; documentation submitted to us by the CNEA, certified on p. 1.733/1.734 (reverse) of file 194).

According to the CEO of INVAP, the company objected that it was surprised by this action and felt that it was inconsistent with the amicable tenor of the discussions that had been held up to that time. The company filed for a continuance of the hearing, and asked Iran to come back to the negotiating table.

According to Otheguy, this meeting was held in Vienna in February 1996, at which time an agreement was signed that established the basis for an out of court settlement of the dispute betwen INVAP and Iran's Atomic Energy Agency concerning unilateral cancellation of the contracts (p. 1.060/1.062 of file 194). The agreement called for INVAP to pay Iran an indemnification, subject to Iran's fulfilling certain requirements with respect to the return of the guarantees and the withdrawal of the law suit (p. 1.727/1,728 of file 194; and documentation on file in the secretariat).

During the remainder of 1996, meetings were held aimed at implementing the settlement, a process that was successfully completed in January 1997 when documents were exchanged confirming that INVAP would pay the Iranian Atomic Energy Agency a 5.5 million dollar indemnification. The Argentine government transferred said sum (in debt securities issues) to the CNEA, which in turn transferred it to INVAP, whereupon INVAP effected the payment after selling the securities (testimony by Héctor Eduardo Otheguy in our offices, p. 1.727/1.728 (reverse) (reverse of file 194).

It should also be mentioned that the documentation archived at the secretariat includes the official translation of the statement by the Iranian court concerning case no. 122. The relevant part of that document states that an out of court settlement was reached between the Iranian Atomic Energy Agency and INVAP and that therefore the complaint was officially extinguished.

In briefly looking back over these events, it emerges that during the period that began with initial suspension of the shipments in December 1991, and included their definitive cancellation in May 1992, and then continued with the withdrawal of the law suit concerning contractual default that had been filed by the Iranian Atomic Energy Agency in 1996, the Iranian government made numerous attempts, including in 1993 and 1994, to persuade the Argentine government to review and reverse its position concerning fulfillment of the nuclear technology transfer contract. This process involved negotiations of both a commercial and diplomatic nature at the state level, as well as pressures relating to trade between Argentina and Iran, culminating in the filing of a law suit for substantial damages, which was settled out of court.

In his testimony, Manuel Ángel Mondino, who stated that although he was unable to recall details of what had transpired between Argentina and Iran as a consequence of the cancellation of the contract, he did recall that at various times over the course of 1990, the Iranians linked their trade purchases with the continued provisioning of nuclear technology (statement by Domingo Felipe Cavallo de p. 25.395/25.409 (reverse), and copy, p. 82/96 (reverse) of file 194).

Scenarios such as those described by the former Argentine foreign minister and the former chairman of the CNEA substantiate the hypothesis put forward by the Secretariat of Intelligence concerning the pressure that was exerted by Iran within the framework of the so called “politics of the contracts,” which included the recourse to violence “so that countries that were victims of

terrorist attacks would agree to enter into negotiations that furthered Iran's interests" (p. 15/16 of *Informe Internacional*).

Needless to say, the threats entailed sanctions that exceeded the scope of a business relationship concerning fulfillment of a contract, with the result that in a sense Iran made an admission concerning the recourse to terrorism. Nonetheless, the experience of other countries has shown that Iran has often exhibited this kind of behavior whereby it attempts to further its interests by engaging in political extortion or by threatening to impose sanctions, as the case may be.

It should be noted that during the 1974 oil crisis, the Shah, who had abundant financial resources at his disposal, acquired a share in Eurodif, a uranium enrichment consortium that had been established by France and other European countries.

This marked the beginning of Iran's nuclear program, particularly through the Busher nuclear reactor project which involved approximately 20 nuclear power plants and the construction of two new ones just outside Karun near Iran's border with Iraq. German and French companies were major players in Iran's nuclear development programs (p. 1/6 of the Annex "Relaciones Bilaterales" in *Informe Internacional*).

The scenario that was set in motion by the 1979 Islamic revolution would ultimately change the European balance of power in the sphere of nuclear technology. But on the other hand, the triumphant revolution appeared to be distancing itself from the nuclear program that had been launched by the Shah on the grounds that it was "anti-Islamic." However, the prospect of armed conflict between Iran and Iraq changed the thinking of the Khomeini regime, a shift that was

reflected in the decision to proceed with construction of the Busher reactor in accordance with the original plans for the project.

Toward this end, the Siemens subsidiary Kraftwerk Union had been asked to complete the reactor, but external pressures had resulted in a proposal to modify the technology, such that the power plant would be run on natural gas in lieu of nuclear technology. At the same time France refused to accept the existence of an “Islamic bomb” and the fact that Iran would have at its disposal 10 percent of the enriched uranium produced by the Eurodif consortium, by virtue of the Shah having acquired a share in it. Faced with these obstacles, the Iranian government sought other sources of nuclear technology, among them Argentina.

In addition to Iran’s search for alternative providers of nuclear technology, the 1980s were marked by the taking of French hostages in Lebanon, the terrorist attacks on the Paris department stores FNAC, Galeries Lafayette and Printemps, as well as Paris’s city hall and other targets; the bombing of a UTA DC-10 on a flight from Brazzaville to Paris; and the assassination of Renault CEO Georges Besse in November 1986. Besse had been instrumental in the founding of the French nuclear program, was head of Eurodif, and had also been the main opponent to Iran’s acquiring a share in Eurodif (Merari, Ariel; Burgin, Maskit, Kurz, and Anat, "Foreign hostages in Lebanon", Jaffee Center for Strategic Studies, Tel Aviv University, 25 August 1988, p. 199/229 of file 270; and Gilies Kepel "La Yihad, expansión and declive del islamismo", Barcelona, Ediciones Península, 2001, p. 198-199).

It seems quite possible that this series of attacks was in keeping with the Iranian government’s strategy of extortion, which involved demands for (among other things) settlement of the “Eurodif dispute”. What is certain is that in the late 1980s and early 1990s, France had agreed to allow Iran

to purchase a share in Eurodif, thus enabling the country to continue its nuclear program (op. cit. and Ranstorp, Magnus "Hizb'allah en el Líbano...", p. 3.713/3.853 (reverse) of file 263).

In the case of Germany, Iran's policy had evolved along similar lines. As was mentioned in an earlier section, the German court's ruling on the Mykonos case had taken note of Fallahijan's attitude toward the upcoming trial of the perpetrators of the AMIA attack, whereby Fallahijan had reminded Germany that Iran had helped free the German hostagees in Lebanon (p. 351/352 of the aforementioned ruling; and p. 10 of the Annex "Relaciones Bilaterales" in *Informe Internacional*).

In view of the conflict that appears to have marked Germany and France's relations with Iran (also see the report issued by the Secretariat of Intelligence, p. 1.585; the translation of "La república atómica Francia-Iran el pacto nuclear", p. 1.588/1.622; and the report on p. 1.625/1.635 of file 194), the Secretariat of Intelligence stated as follows: "In light of the absence of exiled opponents, or hostages in the hands of terrorist groups, and given our status as a peripheral nation, all that would have remained as a possible target for an attack in the purest style of manipulative terrorism were the attacks that were committed against the Israeli embassy and AMIA" (p. 15, Annex "Relaciones Bilaterales" of *Informe Internacional*).

This statement is backed up by what Abolghasem Mesbahi termed a certain kind of "diplomacy." In his testimony before the *Tribunal Oral en lo Criminal Federal No. 3*, Mesbahi testified that this type of policy was practiced until 1994. As an example, the witness cited the kidnapping incident in Lebanon, which Meshbahi indicated Iran had realized in order to exert political pressure. He also mentioned the "truck diplomacy" that was practiced between 1987 and 1995, a term he said meant exploding truck bombs in specially selected locations whenever Israel did something that ran counter to Iran's interests; "and Israel was doing everything within its power to block the Iranian

contracts calling for the construction of nuclear power plants...” (p. 4 of the transcription of the cited testimony, p. 4.105/4.137 of file 204). Mesbahi had previously commented that terrorist activity is a way of imposing state policies, “and for Iran, the fundamental priority is the acquisition of nuclear, biological, and chemical technologies" (p. 3.448/3.461 (reverse) of file 204).

As we shall see in due course, in this same testimony before the aforementioned *Tribunal Oral*, Mebahi stated that Rabbani had characterized AMIA as an Israeli intelligence operation, which is why the organization had acquired the status of a target for terrorist activity in Argentina. But immediately afterwards Mesbahi testified that Iran was convinced that this attack would allow it to exert political pressure on Israel on account of the Iran-Argentina nuclear contracts that had been cancelled. Mesbahi said, with regard to the negotiations concerning heavy water, that “Iran was furious and decided to respond firmly in this matter...” (p. 4.105/4.137 of file 204).

Certain statements made by former Iranian president Bani Sadr can be interpreted in the same vein. On being asked about the role that the cancelled contracts played in the decision to carry out terrorist attacks in Argentina, Bani Sadr indicated that the Iranian authorities had no other way to get what they wanted, and thus an attack was carried out, as had also occurred in Austria where an individual who had not fulfilled his contract had been assassinated (p. 724/736 of file 209).

Mesbahi strongly emphasized the importance that the Iranian regime placed on nuclear power. And as we have seen, at the time the conctracts were cancelled, the Argentine Foreign Ministry itself had characterized as fundamentally important statements (which were not denied) by the then-Iranian president to the effect that Iran had a right to produce nuclear weapons. Ambassador

Enrique Julio de la Torre, (who was head of the International Security, Nuclear and Space Affairs section of the Foreign Ministry (DIGAN)) also placed particular emphasis on this issue.

In the same testimony, when asked about the importance Iran placed on the transfer of nuclear technology, de la Torre responded that "the problem with Iran is that it is a signatory to the Nuclear Nonproliferation Treaty, which means that Iranian government officials are required to comply with the treaty. The Nuclear Plan was as important to Iran then as it is today. The Shah's regime was constantly denouncing the Nuclear Nonproliferation Treaty, and we see the same thing today as well..." (p. 1.736/1.738 (reverse) of file 194).

And in fact, the strategic objective behind Iran's nuclear technology program has been confirmed by recent events, and in the most concrete way possible, by Iran's president. An article in the 12 April 2006 edition of the newspaper *La Nación* carried the following quote from Iranian president Ahmadinejad: "At this historic moment, thanks to the blessings of God and the efforts of our scientists, I hereby announce that the nuclear fuel cycle in the laboratory has been competed and that our scientists have successfully produced enriched uranimum in the grade needed for our nuclear plants."

The 12 April 2006 edition of the newspaper *Página 12* reported that, "standing on a stage with military officials and clergy in the holy city of Mashhad, the Iranian president stated: I hereby declare that Iran has joined the club of nuclear nations." The 14 April edition of this same newspaper reported further statements to this effect by president Ahmadinejad: "Our response to those that are angry that Iran has realized a complete nuclear cycle can be stated in one sentence:

"They are angry and they will die of this anger (...) We will not negotiate with anyone concerning Iran's right [to enrich uranium] and no one has the right to make us retreat, not even a little bit..."

c.3) Other contributing factors

Having described the "nuclear relationship" between Iran and Argentina, and Argentina's decision to break off this relationship, thus creating a stumbling block for Iran's political objectives, another issue also arises (one which was relevant for Argentina but had no bearing on the Middle East peace process at the time) which cannot be disregarded if we are to gain an adequate understanding of the circumstances surrounding the AMIA attack. We are referring here to Israel's bombardment of the Hezbollah training camp in the Ain Kaoukaba zone in the Bekaa valley, as well as the kidnapping of the Islamic fundamentalist leader Moustapha Dirani, which was attributed to Israel.

It should be borne in mind that a similar situation occurred prior to the killing of Abbas Moussawi, in 1992. However, the temporal proximity of the events described above that preceded the 18 July 1994 attack (which was in an advanced preparatory stage at this time), as well as the fact that these events were the main reasons for the attack, makes it reasonable to conclude that at a minimum, these events coalesced to generate momentum that was conducive to aligining Hezbollah militants with Iranian interests, although Hezbollah was also motivated by a separate case which, in view of Moussawi's killing in 1992, ultimately gave Hezbollah sufficient reason to particpate in the attack.

According to a report from the Secretariat of Intelligence, Moustapha Dirani was head of intelligence of the Amal movement (p. 98.576 (reverse/98.576 (reverse; and p. 101.760/101.764 (reverse)) and was expelled by its leader Nabih Berri owing to differences of opinion. The report stated that in 1988 Dirani was head of the miniscule Amal movement, which in the following year became a military unit for Hezbollah thanks to funding from Iran (p. 101.586/101.587).

Magnus Ranstorp corroborated this, indicating that Moustapha Dirani acted as an important link between Hezbollah and Syrian military intelligence, and that after leaving the Amal movement in late 1988, Dirani joined the ranks of Hezbollah ("Hizb'Allah en el Líbano", p. 3.713/3.853 (reverse) of file 263).

Also significant in this regard is the fact that on 21 May 1994, Israel commandos kidnapped Dirani (who was accused of being one of the persons resposible for the death of pilot Ron Arad in 1986) from his home in the Bekaa valley. Apparently Dirani was asleep (after having celebrated the Islamic holy festival of Id Al-Adha) when soldiers broke into his house at around 2.30 a.m. and took him to Israel (p. 11/12 of the Annex "Hezbollah" in *Informe Internacional*; testimony by Juan Ángel Faraldo, Argentine ambassador to Israel since 1990; and testimony by Jaime Sergio Cerda, diplomat in the Argentine embassy in Israel since April 1990, p. 27.455/27.456 (reverse) and p. 27.424/27.425 (reverse), respectively).

The Israeli action, and the fact that as a result, Israel put its overseas missions on a state of alert, received considerable media attention.

The *New York Times* report on the attack (published May 23, 1994) states as follows: "Reprisals are customary in this region, but Israeli officials are especially on their guard this time. They keenly recall that soon after they staged a helicopter ambush in February 1992 that killed a local leader of the Iranian-backed Party of God in Lebanon, his wife and their young child, the Islamic Holy War group blew up the Israeli Embassy in Buenos Aires, killing two dozen people and wounding scores of others."[52] (p. 102.657/102.659)

On 30 May 1994, the Lebanese newspaper *Al Hayat* quoted the Hezbollah spiritual leader Mohammed Hussein Fadlallah as having stated as follows during ceremonies held in Baalbek and Hermel: "By kidnapping Mustafa Al Dirani, [Israel] has marked another low point in its foreign policy. The world condemns not Israel but the Lebanese...And we wonder: Is there any word of protest that we haven't uttered? And is there anything left of all these words, and does the situation depend very much on us? Remain silent, do not let your enemy continually issue appeals so that he knows what you're thinking... And so let him shout, for he has shouted in the past, for he has a large reach, but the reach of the mujahidin is larger, and it has descended on Argentina" (p. 27.945/27.950, and p. 30.624).

These statements were documented via a cable from the Argentine embassy in Lebanon, and by the testimony (in the present case) by Ambassador Juan Ángel Faraldo and diplomat Jaime Sergio Cerda (p. 27.455/27.456 (reverse) and p. 27.424/27.425 (reverse),).

The Argentine supreme court reproduced cable no. 010217/94 of 28 May 1994, in which the Argentine ambassador to Lebanon reported that the Hezbollah spiritual leader Mohammed Hussein Fadlallah stated during traditional Friday prayers in a Beirut suburb that owing to the abuduction of

[52] Translator's note: original English text

the Lebanese fundamentalist leader Mustapha Dirani, "the resistance has a great deal of oxygen, the enemy said that he has a very large reach, but when Abbas Moussawi was assassinated the Islamic fighters proved that their reach can extend all the way to Argentina. The battlefront now encompasses the whole world and the battle will unfold as time goes by" (legal reason 298 of the ruling handed down on 23 December 1999 in the "Embassy" case).

The ambassador at the time, Juan Ángel Faraldo, commented in regard to these statements that “at the time it had to do with the attack on the Israeli embassy, but in view of the AMIA attack, it was also related to that" (p. 27.455/27.456 (reverse)).

On 2 June 1994, several days after Dirani was abducted, the Israeli army launched an attack on what was reputed to be a Hezbollah training camp in Lebanon.

The Argentine embassy in Lebanon described the event as follows on the following day in cable no. 010233/94: “On 2 June the Israeli air force heavily bombarded the Hezbollah military camp in Kawkaba (10 km from Baalbek and 5 km from the Syrian border)...The operation caused numerous casualities amongst the Hezbollah fighters, whom the attack took completely by surprise. The exact number of deaths is not known, but some sources say that 9 Hezbollah fighters were killed, but other sourced say that around 40 persons died...” (p. 104.454/104.456).

The cable also reported excerpts from the Lebanese response to the military incursion. The cable first cited the following statement by Prime Minister Rafic Hariri: "The entirety of Lebanon will confront the Israeli agression, and the martyrs who fell today are martyrs for all of Lebanon who died defending the unity, dignity and sovereignty of Lebanon...”. The prime minister then said:

“The international community, and particularly those who are conducting the peace process, must make clear decisions that aim to put an end to Israeli aggression and salvage the peace process...”

Lebanese president Hraoui echoed the prime minister, stating that “While Lebanon was concerning itself with the presentation of a formal protest concerning the recent abduction of Mustapha Dirani, and with bringing this issue before the UN, Israel launched a new round of aggression...” (copy of the cable cited above).

The virulence of these statements was the doing of the spiritual leader of Hezbollah Mohammed Hussein Fadlallah and the organization’s secretary general Hassan Nasrallah.

According to the cable that was received, Fadlallah stated that “now the battle against Israel has been joined on all fronts. This is the greatest challenge of all time. We Muslims, mujadins, and oppressed people have decided that Israel has no place among us. Israel and the forces of world oppression may have won a battle, but no Satan, whether large or small, will be able to intimidate us. We know for a fact that every Israeli bomb or plane is actually a U.S. bomb or plane" (cable 010233/94, p. 104.454/104.456).

As for Nasrallah, he stated as follows: “This barbarian Zionist aggression strengthens our determination to continue the struggle, no matter what sacrifices we have to make. Our war is a large scale one, and our enmity for the assassins of the prophets is infinite, and our desire to destroy the gates of Khaibar is unwavering" (cable 010233/94 obrante en copia a p. 104.454/56).

According to cables 010236/94 and 010238/94 from the Argentine embassy in Lebanon, the Israeli incursion into Lebanon set Iranian diplomacy in motion.

The first cable, which was sent on 5 June 1994, contained information concerning press reports

on Iranian foreign minister Velayati's trip to Damascus, where he had met with the secretary general of Hezbollah, "on which occasion they discussed the situation in Lebanon and decided to avoid giving Israel any pretext for military escalation, which could get out of control and have negative repercussions at the regional level;" notwithstanding which the foreign minister "reaffirmed his country's support for the Islamic resistance" (p. 104.457/104.458).

The visit to Lebanon by Iran's ambassador was coordinated by Mohammed Kazem Khansari, who was head of the Iranian Foreign Ministry's Middle East section, and who, according to cable 010238/94 of 7 June 1994, met on that date with the president of Lebanon, the head of the Shiite Council, the Lebanese foreign minister, the secretary general of Hezbollah, and the spiritual leader of Hezbollah. The meeting was also attended by Iranian ambassador Hamayon Alizadeh (p. 104.459/104.460). On this occasion, the president of the Lebanese parliament Nabih Berri met with the leader of Islamic Amal, Hussein Moussawi and with members of the "Resistance of the Faithful" group (cable 010242/94 of 8 June 1994, p. 104.461).

The aforementioned cables cite the following statement by the official from the Iranian Foreign Ministry: "Iran supports Lebanon as it supports the right of the Lebanese people to form a united front against the barbaric attacks realized by Lebanon's enemies, particularly the attacks by Israel." And further on: "In his statements, Mr. Khansari emphasized that Iran supports Syria and Lebanon, and that Iran is prepared to help Lebanon form a united front against the attacks by and danger of the Zionist state..." (p. 104.459/104.460).

This situation also gave rise to general statements by the Iranian government concerning Argentina's relationship with the Jewish community.

In this regard, Ali Reza Ahmadi and Hamid Reza Eshagi reported that Iran officially regarded Argentina as a "second Israel", indicating that the Iranian regime used this claim to manipulate antisemitic sentiment (p. 502/507 (reverse) of file 313).

In the same vein, Witness A stated that the criteria for selecting target countries included how close their ties were with Israel and the U.S., and how the greatest harm could be inflicted on the Jewish people. The defectors Ahmadi and Eshagi also said that Iran's official view was that Argentina was a second Israel, given the fact that a 100 years previously "they decided to expand into two places, one being Argentina, and they said that if they were expelled from Israel, there was always Argentina, which has a large territory..." The witness also expressed the view that "the Jews interfered a great deal in Argentina's political and economic affairs, including all communication media" (testimony of 29 September 1994, archieved in the secretariat).

In our view, all of the facts presented up to this point, which have been described in detail in the present report, are consistent with our criterion for a context that can be considered to have been a determining factor in the decision to carry out the attack on 18 July 1994.

We are referring here to the attempts to derail the Middle East peace process, whose main detractor as we have seen was the Iranian government, which was afraid of being politically isolated in the region.

The evidence we have gathered in this case indicates that at the time of the AMIA attack, Argentina was permeable to foreign intelligence and that it provided relatively good security for groups that wished to carry out criminal activities. Moreover, we must also take into account the

major role that the Jewish communitiy had come to play in Argentina over the years, thus making Argentina fertile territory for exporting the Islamic revolution, particularly since Iran regarded Argentina as a "second Israel."

In view of the situation on the ground as we have described it, as well as Argentina's decision to cancel the nuclear contracts with Iran, which represented strategic objectives for the development of Iran's nuclear capacities, it is safe to say that these factors played a key role in the decision to carry out an attack in Buenos Aires. This context was rounded out by the Israeli incursions into Lebanon that occurred not long before the AMIA attack, thus providing Hezbollah, which was in charge of carrying out the attack, with an ideal political justification for going head with the operation.

VI. THE "INTELLIGENCE SERVICE" IN BUENOS AIRES

a) Based on the information that has been gathered in the case concerning the structure, makeup and functions of the Iranian intelligence service throughout the globe, we shall now describe the branch of that organization that was established in Buenos Aires, since it played a pivotal role in the successful execution of the AMIA attack.

What we observe at first glance is a massive network of contacts and relationships between various official and private sector organizations, all of which were linked in one way or another with the Iranian regime. These organizations included the Iranian embassy in Buenos Aires, the Cultural Bureau, Iranian state owned companies that had affiliates in Argentina, mosques, and various radical elements of the Islamic community in Buenos Aires. The coordinated interaction engaged in by the aforementioned organizations and individuals clearly indicates that these elements constituted an integral system which can be regarded as a constellation of entities that related to each other in an organized fashionm and in so doing helped achieve a specific goal. Hence this definition clearly indicates that the Iranian intelligence service in Buenos Aires had a very clear goal from the outset, in the pursuit of which they organized themselves, even though some persons that were part of this infrastructure were not fully aware of its existence.

This infrastructure was segmented into various elements, each of which was assigned a specific role. For example, the embassy carried out its diplomatic functions; the mosques did their part by spreading religion; the companies generated business; and the local community appears to have been the beneficiary of this joint effort.

A more in depth and detailed look at the situation reveals another dimension of this same infrastructure, a dimension that was illicit and illegal and whose operations were realized under cover of the aforementioned legitimate activities.

It should be added that this system was not only used and supported by the Iranian regime for its own ends, but was also devised with these ends in mind, such that each element served a dual purpose. On one hand, it carried out formal tasks, while on the other, it realized covert activities. Hence, the embassy basically performed a protective function in that it provided cover for its personnel in the form of diplomatic immunity. The embassy was also the ideal conduit for transmission of the requisite information, while at the same time it kept a watchful eye on the Argentine government to see if they were aware of or were reacting to these activities. The mosques were used by elements of the regime as a place from which to recruit persons whose ideology was consistent with the principles of the Islamic revolution, and as conduits for the transmission of sensitive information. The cover businesses provided jobs, and some members of the Islamic community were manipulated in such a way that they became useful gatherers of information. Their knowledge of Spanish and their familiarity with the local environment enabled them to carry out this activity surreptiously and without raising suspicions.

Kenneth Timmerman stated the following in this regard: "...The first thing you have to understand is that the Iranian government uses all of the tools at its disposal in order to achieve its objectives. It would be an error to limit the question to what the Ministry of Intelligence does. (...) They use all the resources of the government, Islamic centers, mosques, non-governmental organizations, the Iranian airline, taxi drivers, carpet companies (...) They use embassies, consulates, official passports, the government, consular services, diplomatic bags.

They do this in places where they plan to carry out terrorist attacks. They use embassies, consulates, official passports, the government, consular services, dipomatic pouches. They frequently use sleeper cells that were previously inserted into the location" (p. 76/80 of file 352).

It should be noted that although for quite some time the task of this intelligence service was limited to spreading Islamic propaganda, recruiting elements that were sympathetic with the regime, and espionage, there can be no doubt that the structure had been established and that it was ready for use for clearly operational activities that were inextricably bound up with terrorist actions. This assertion requires no substantiaion other than what actually transpired.

Needless to say, achieving the ambitious goal of establishing this kind of intelligence infrastructure took time, dedication and funding. Its main architect was Mohsen Rabbani, who entered Argentina as a tourist on 27 August 1983, and later became a permanent resident, pursuant to declaration of amnesty no. 780/784 (p. 2.640 of his assets file). Although Rabbani's background, character, and activities relating to the AMIA attack are analyzed exhaustively in a separate section, it is essential to make reference to him here in order to describe the makeup and functions of the Iranian intelligence service in Buenos Aires, particularly since all of the elements of the system, as well as the individuals involved, had a relationship with Rabbani.

Having completed this introduction, we will now describe the intelligence service itself, a description which will reveal the high level of interaction and dynamism to which we alluded earlier.

b) Activities involving the Iranian embassy in Buenos Aires

One of the core elements of the Iranian intelligence service in Buenos Aires was the country's embassy, which was located at Avenida Figueroa Alcorta 3209. The personnel in this embassy carried out their diplomatic and intelligence activities in tandem with each other. In other words, the embassy served as system coordinator, and in so doing issued the directives that were necessary to keep the various components in the network operating smoothly, and impeccably interconnected.

This scenario is corroborated by an analysis of the flow of Iranian government officials that came to Argentina on diplomatic missions, since many of them were actually Iranian intelligenc agents. In other words, the embassy was staffed by covert agents. The mere description of the backgrounds of the embassy personnel will make this clear, and will also demonstrate the role each of these individuals played in Iran's intelligence service.

Hadi Soleimanpour arrived in Argentina on 2 June 1991 and departed on 16 August 1994. He had previously been posted to the Iranian embassies in Austria, Australia and Spain. According to the testimony of Abolghasem Mesbahi, prior to becoming a diplomat, Soleimanpour had worked for Pasdaran, and as a diplomat had been expelled from Spain for engaging in espionage (p. 381/416 of file 204). In addition to this, the Secretariat of Intelligence indicated that Mesbahi had worked for the Iranian intelligence service (p. 7/8 of the Annex "Embajada" in *Informe Internacional*).

Abbas Zarrabi Khorasani became First Secretary of the embassy in November 1987. He had previously served in this same position at the Iranian embassy in Berlin, from which he was

expelled along with other Iranians, on suspicion of having organized attacks on U.S. targets. In August 1991, he took advantgage of his participation in a meeting in Australia concerning economic matters to set up a company that was to provide cover for Hezbollah activities in Australia (p. 35 of the Annex "Embajada", in *Informe Internacional*). Mesbahi testified that he suspected Khorasani of being part of "the operational unit in Khomeini's office that was in charge of carrying out direct terrorist actions" (p. 141 of file 204). Khorasani left his position in June 1993 (p. 1.192/1.199 of file 392).

Gholamreza Zangeneh took over the position of second secretary at the Iranian embassy in Buenos Aires on 9 December 1993. In 1994 he became the embassy's chargé d'affaires owing to personnel cutbacks at the embassy. According to the Secretariat of Intelligence, from 1978-1994, Zangeneh was a colonel in the Pasdaran 7th corps (p. 52/53 of the Annex "Embajada" in *Informe Internacional*). Abolghasem Mesbahi indicated that Zangeneh was a representative of Vevak (p. 381/416 of file 204).

Ahmad Asghari, who served as third secretrary of the embassy, arrived in Argentina at the same time as Soleimanpour and left abruptly ten days prior to the AMIA attack. Mesbahi's testimony indicates that Asghari may have had a double identity, since the witness identified him from a photograph as Mohsen Randjabaran. Asghari was a Pasdaran agent and deputy CEO of a cover business (certified copies of documents submitted by the supreme court concerning testimony by Ariel Merari and Bruce Hoffman, and relating to reports on Imad Moughnieh, p. 978 of file 267).

As for Esmaeil Moulaee, he served as an embassy attache from March 1989 to March 1994 (p. 1.192/1.199 of file 392). Witness A indicated that he suspected Moulaee of being an Iranian

intelligence agent (p. 56/86 of file 313). The witness also indicated that Moulaee was in charge of operating the telex machine, a task that was always assigned to an intelligence agent.

Needless to say, the fact that so many individuals with military or intelligence backgrounds were all working at the same embassy cannot possibly be coincidental. And in point of fact, their presence at this particular embassy was the result of a careful vetting process that took into account the goal that was being pursued.

These facts concerning the relationships and the organizational antecedents and affiliations of the individuals we have described clearly indicate that these individuals were in Argentina to carry out a specific mission that had been assigned to them. It follows from this that the embassy, as the coordinator of Iran's intelligence service in Argentina, maintained close ties with each of the elements that made up the intelligence gathering network.

In the first place, the embassy provided financial support for mosques. This was indicated by Luis Ricardo Arévalo, who worked for the Al Iman mosque in Cañuelas, and Alfredo Barcia. Both men stated that the mosque's costs were defrayed by embassy funds that came from Rabbani (p. 1.301/1.302 and p. 633/640 of file 251).

The embassy's secretary Viviana Maruffo confirmed this, stating that from March 1992 to March 1994, the aforementioned mosque's expenses were "...defrayed by the embassy, which I know because I wrote out [these] checks for Rabbani. The witness made out all such checks at the behest of Nozarri, who was the embassy's financial manager" (p. 13.708/13.713 of case 1627).

In the second place, Mohsen Rabbani maintained ties with the embassy. This relationship should be seen in light of the gung-ho attitude on the part of embassy personnel toward the embassy's security procedures, combined with the fact that all parts of the building were freely accessible to an individual not belonging to the personnel. Cognate with this observation, the aforementioned witness Maruffo noted the reverence that embassy personnel felt for Rabbani (p. 13.708/13.713 of case 1627).

A third dimension concerns the following activities that were realized by embassy personnel (although this is discussed in detail in other sections of the present report): participation of embassy diplomats in events at which Iranian ideology was vaunted and Israel was attacked; repeated visits to Argentina's various mosques; and the ties these individuals had with the companies GTC and Imanco, as well as with members of the Argentine Islamic community. Likewise relevant in this regard are the following: the close ties between Ambassador Soleimanpour and Rabbani; phone conversations between Rabbani Soleimanpour and Vevak's Office 240, from the embassy phone, his home phone, and his mobile phone; Third Secretary Asghari's trip to Iran with Rabbani to attend the 14 August 1993 meeting where the decision was made to carry out the AMIA attack, and where Asghari was instructed to implement the attack plan; and the drastic changes instituted by Soleimanpour and Asghari in the handling of diplomatic mail.

This latter circumstance is the most egregious example of the heightened security at the embassy. The increased monitoring of everything having to do with information that was regarded as "sensitive" supports the suspicion that once the diplomatic mail ceased to be of a routine nature, its purpose was to transmit details concerning preparations for the AMIA attack. If this were not the case, there would be no explanation for the fact the Asghari and Moulaee personally took charge of sending and receiving diplomatic mail (13.649/13.653, 13.708/13.713 and 13.892/13.895 of case

1627). This takes on greater significance in light of the fact that handling the diplomatic mail had previously been regarded as a relatively unimportant task that was assigned to the embassy's drivers (testimony by Juan Carlos Saucedo, p. 4.663/4.670 of case 1627). And any remaining doubt in this regard is dispelled by the fact that qualified witnesses such as Mr. Mesbahi (document 4.105/4.137, file 204) and witness A (p. 56/86, file 313) both indicated that diplomatic couriers were needed in order to transmit a substantial amount of information that could not be sent securely by any other means, and that diplomatic couriers were used in order to provide optimally tight security for the perpetrators of the attack.

The AMIA attack related activities carried out by personnel at the Iranian embassy in Buenos Aires were summarized by Mesbahi in his testimony before the *Tribunal Oral en lo Criminal Federal No. 3* as follows: "The main embassy activities in connection with this event were supervised by Mr. Randjbaran [whom, as stated above, the witness had identified as Mr. Asghari], while diplomatic cover for the people involved and mail facilities were provided by Ambassador Soleimanpour" (p. 4.105/4.137 of file 204).

Hence all indications are that the personnel at the Iranian embassy in Buenos Aires were active members of the Iranian intelligence service and that their diplomatic tasks and functions were simply a cover for their real activities in the service of the intelligence gathering network that was established by the Iranian government in Argentina.

c) Participation of the Iranian Embassy Cultural Attaché Office in the information network

The raison d'ךtre of Iran's cultural attache office in Buenos Aires is clearly stated as follows in the founding document of the Iranian Foreign Ministry: "(...) In view of the Islamic Republic's express goal of exporting the Islamic revolution; and given the evolution of the liberation movement and

various social groups, including individuals, the Ministry of Foreign Affairs should take steps (...) aimed at coordinating the various organs with a view to implementing the Ministry's foreign policy goals" (statement by Reza Zakeri Kouchaksaraee, p. 844/855, file 209). An initial analysis of this text was undertaken by Mr. Kouchaksaraee himself, who indicated that "(...) [T]he work of the cultural attache mainly involves ferreting out groups and individuals that endorse terrorist activities that further the aims set forth in this founding document" (p. 844/855, file 209).

In the same vein, Witness A said the following with regard to [the religious institute] Ershad: "(...) Iran's Ministry of Culture and Islamic Guidance was created after the revolution for the purpose of cultural exportation of Islamic ideology throughout the world. In its early years, it tended to establish Ershad offices that were separate from the embassy (...), in every city with an [Iranian] embassy, and these offices acted as cultural attache offices (...)" (p. 87/93, file 313).

James Bernazzani added the following: "Since Iran is a theocracy and the mullahs control the country, the cultural attache is the most trusted person in any Iranian embassy" (p. 121.946/121.950).[53]

From its inception, Ershad was committed to the pursuit of dual objectives. Hence, in its commitment to spreading the principles of the Islamic revolution, one also observes elements that are consistent with the establishment and maintenance of an intelligence collection center. The sensitivity of this mission explains why Ershad had such a large 403

staff, why it was an arm of the Ministry of Culture and Islamic Guidance, and why its Cultural Bureaus had budgets that were separate from those of Iran's embassies.

[53] Translator's note: The Spanish text does not indicate a file number for this page.

This financial independence was underscored by Ricardo Horacio Elia, who stated that the cultural bureau (where Mr. Elia served as senior public relations officer starting in 1991) received funds from the Iranian Ministry of Culture and Islamic Guidance twice yearly (p. 884/895, file 313).

Mohsen Pazoki (who was senior public relations officer at Iran's Cultural Bureau in Buenos Aires from 1998 to 1990) stated that the Iranian Ministry of Culture and Guidance is generally in charge of the selection procedure for directors of Iranian Cultural Bureaus. This was the case with the 1987 appointment of the first Iranian cultural attache in Argentina, Ahmad Pazoki. As an author, poet and journalist, Mr. Pazoki was part of the Iranian cultural community and thus was qualified to hold the position of cultural attache (p. 869/899, file 313).

The choice of cultural attaches that succeeded Mr. Pazoki confirms the statements by Reza Zakeri Kouchaksaraee cited at the beginning of the present section, since these individuals did not fit the usual profile of such appointees: their cultural credentials were nil – and what's more, they were suspected of being agents of Iran's intelligence agency. One report (p. 65/70, file 209) makes this crystal clear: "(...) [T]he government maintains an embassy and Cultural Bureau there [in Argentina] whose express goal is to spread the theory of terrorist fundamentalism in Argentina. Pursuit of this goal led the Ministry of Islamic Culture to send purported cultural attaches to Argentina, who were actually terrorist elements that carried out the aforementioned activities."

Manoucher Ganji (referring to diplomats that carry out clandestine terrorist activities) stated that "...they always use the Cultural Bureaus for diplomatic cover" (p. 65/69 (reverse), file 352). And Gilles Kepel noted the following in his testimony: "During the Rafsanjani period, the cultural

attaches were actually agents of the Intelligence Ministry. Iranian diplomacy didn't really function as a genuine diplomatic service at all" (p. 1.000/1.001, file 209).

And in point of fact, Mohammad Tae Abbd Khodae (cultural attache from 1989 to 1994) was alleged to be a cleric and a member of the group Alianza, which according to the testimony of the defectors Eshagi and Ahmadi carried out the first attack on the Shah's prime minister Hasan Al Manssur (p. 65/70, file 209). Moreover, Zakeri Kouchaksaraee declared that "Abde Kodeii[54] is a member of a terrorist group of very long standing" (p. 844/855, file 209).

Mr. Rabbani's appointment flouted the usual standards as well. As a cleric who at the time of his appointment was head of the At-Tauhid mosque, there was no particular reason to name him cultural attache – except to grant him diplomatic immunity so that he could operate clandestinely, since the envisaged date for the attack was fast approaching.

Having presented this background information, we will now analyze the activities of the Cultural Bureau at the Iranian embassy in Buenos Aires. According to César Gabriel Duarte, who was the unit's driver from April 1994 to June 1996, the overriding aim of the Cultural Bureau was to promote Iranian culture (p. 3.680/3688, file 1627). The dissemination methods varied greatly, although the efforts mainly involved the following:

publishing religious books in Spanish and copies of the Koran that were imported from Iran; organizing events; participating in the book fair 3.680/3.688 of case 1627), and offering Farsi classes (testimony of Ornar Alberto Cuello, p. 4.679/4.683 of case 1627).

[54] Translator's note: *sic* in the Spanish, i.e. this person's name is spelled differently here than above.

The Cultural Bureau also offered students who were eager to learn about Islam the opportunity to attend courses that were held at At-Tauhid mosque or in Tucumán province. The bureau enabled such persons to enter Iranian study centers, and made it possible for Iranian students to pursue "university careers and all the attendant advantages, which were embodied concretely by the fact that one such student named Javadi earned a medical degree" (p. 3.680/3.688 of case 1627).

Another way of attracting people, as well as subjugating them, was offering jobs, in all cases to individuals with an affinity for the political ideology of the Iranian regime. The following persons fall into this category: Mohammed Reza Javadi-nia, Ali Reza Halvaei (testimony by Elía, p. 884/895 of file 313) and Mehdí Bizari, (p. 2.202/2.209 (reverse) of case 1627), who translated books and magazine articles at Rabbani's express request.

Hence the realization of all of these promotional activities – which were perfectly above board – allowed the Cultural Bureau personnel to achieve their real goal. We obtained information concerning the results of their efforts from a report written by Iranian defectors concerning the work carried out by the Iranian Cultural Bureau in Buenos Aires. The report states as follows: "The regime's Cultural Bureau, which was based in Argentina, sent a constant stream of reports on the Islamic community in Argentina to the ministry of Islamic culture, which the latter organization then sent to the heads of the Quds Force. It was their job to determine which elements of the interviewees' statements were useful for the attack" (p. 65/70 of file 209).

An example of one such report was given to us by the Iranian dissidents. It was sent by the Cultural Bureau and states as follows: "...Currently, the Islamic center that maintains cohesion among the Alawies Arabs is the At-Tauhíd mosque. They like us a lot. The prayers are led by Rabbani, but Abdul Karim Paz is in charge. Many of the Muslims that go to At-Tauhíd have covert

relationships with the Cultural Bureau, and most of them take orders from Abdul Karim Paz and are gung-ho fanatics" (p. 65/70 of file 209).

Other such reports – which the Secretariat of Intelligence attributes to Mohsen Rabbani – have been included in the Annex of the summary (p. 5.813/5.862 of case 1627). Following are some excerpts from these reports: "According to our Islamic viewpoint, Latin America for us and for the international world is a virgin region that the Islamic state of Iran has unfortunately disregarded up till now...We are receiving strong support against the intrigues of imperialism and Zionism; this provides major support for our presence in the region (...) One of the greatest successes our Cultural Bureau has achieved thus far was entering into a cultural agreement for the inauguration of a department of Islamic studies at University of Rosario (...) Our office has been striving from the outset to eliminate harmful Bahai propaganda from this university (...) Fortunately, and thanks to the export of the sacred and revolutionary principles, study and practice of this language are picking up speed; we have managed to realize books in Spanish (...)

There is a need for cultural centers in Brazil, Foz, Chile, Rosario and Cordoba (...) We feel it is necessary to create cultural centers to confront the pernicious and deceitful propaganda of the Zionists and the Bahai (...) From the outset, the Cultural Bureau of the Islamic Republic of Iran has dedicated itself to analyzing and studying the problems in various Latin American countries, considering it necessary to conduct an in-depth investigation of each problem and its impact on the most sensitive areas, with a view to submitting a report to the highest level officials in Teheran, and enabling ourselves to prepare our work agenda based on their decision (...) We are bringing our message of the Islamic revolution to the oppressed peoples of Latin America, and are confident that we will achieve success (...) Another key center of the Argentine government for the

accomplishment of our tasks is the city of Bs. As. This Cultural Bureau has very good relations with various city councilmen and with the secretary of culture."

These passages corroborate the importance of the role played by the Cultural Bureau of the Iranian embassy in Buenos Aires, which periodically submitted reports concerning its activities aimed at exporting the Islamic revolution as it had been instructed to do.

In these reports, the Cultural Bureau made detailed comments on the cultural situation of Islam in Argentina, described the contacts they had with political figures in Argentina, pointed out the necessity of creating new Cultural Bureaus in other countries, and mentioned their intention of damaging the image of Zionism and Bahaism.

It is readily apparent that the issuance of these reports was the culmination and result of a great deal of previous work that involved the participation to one degree or another of all elements of an intelligence system, comprising those that only gathered specific information, and those who analyzed, corroborated and compiled it so that it could be submitted. The importance of this information should not be underestimated, since these were serious and professional documents that provided information that had been requested by the highest officials of the Iranian government, so that they could decide which course to follow.

In view of the fact that the plan to attack AMIA was discussed and approved at the meeting of 14 August 1993, it is only natural that two individuals such as Asghari and Rabbani were asked to attend; they had resided in Argentina for a long time (and also owing to the positions they held), thus putting them in an ideal position to provide the other members of the committee with the information they needed concerning the envisaged operation. They also attended the meeting in

order to coordinate with the other members the functions that each individual would need to carry out once the plan was put into action.

The reports even continued when the attack occurred. This was witnessed by César Gabriel Duarte who was working with Rabbani on the day of the attack, and testified as follows: "...In addition to notifications issued concerning the attack and faxing them to a location whose identity I don't know, though I imagine they were destined for a ministry in Teheran. I imagine this was because Rabbani was the one who established communication (p. 3.680/3.688 of case 1627);" "...This didn't involve newspaper clippings – since the attack had been carried out in the morning and nothing had about it had been published yet – but instead, Rabbani sent information in Farsi about what was happening in Buenos Aires" (p. 3.680/3.688 of case 1627).

Hence, beneath the cultural facade, which created an environment that was conducive to social relationships, all types of information was collected – using agents or "antennas" – concerning the political, social and economic aspects of the "target" in Buenos Aires; the information was analyzed, and the conclusions reached on the basis of this information were sent to Teheran.

This was the support provided by this element of the system.

d) Mosque activities

The Islamic community in Buenos Aires mainly lived in the Floresta district of Buenos Aires, and Iranians formed a minority within this group. This community was the point of departure for the intelligence infrastructure. One of the major advantages of carrying out an attack in Buenos Aires was that there was a Shiite mosque in the Floresta district that served as a central gathering place for Muslims.

At this juncture, it is important to reiterate what was stated earlier, namely that, in terms of the methodology employed by the Iranian government to carry out terrorist operations, mosques were an ideal environment for the envisaged intelligence objectives. The naturalness of mosques as central gathering places and places for the propagation of Islamic culture created a situation where some of Iran's leaders who professed and adhered to fundamentalist ideological positions used mosques to ensnare believers and transform them into elements that could serve these leaders' purposes. The policy was to recruit followers, not only to convert them to Islam, but also for the express purpose of turning them into supporters of the radical ideas that these leaders espoused.

The following comment by Abolghasem Mesbahi's is relevant in this regard: "The religious activity of the mullahs involves penetrating communities, observing the defectors, and recruiting individuals that will be used in the future, including to carry out assassinations in the name of religion" (p. 3.448/3.461 (reverse) of file 204). This is congruent with the following statement by Kenneth Timmerman during his testimony: "Suicides were recruited through Islamic center, mosques (...) which served as a basis for creating the infantry of terror" (p. 76/80 of file 352).

This aberrant mosque activity occurred in Argentina, although it exceeded the bounds of mere propaganda and religion, and was ultimately used by the aforementioned fundamentalist elements as an efficient tool for recruiting followers and then transforming them into individuals who were suitable for the envisaged intelligence activities.

These activities involved the following mosques: the aforementioned At-Tauhíd mosque on calle San Nicolás 674 in Buenos Aires, whose director was Rabbani and who was succeeded by Abdul Karim Paz; the Al Iman mosque on calle Rivadavia in Cañuelas (its director's name was Medina, and his Islamic name Mahdani); and the El Mártir mosque, which was the head office of the Islamic organization in Argentina, and was located on calle Crisóstomo Álvarez 840 in San Miguel de Tucumán (its sheik was Benjamín Ernesto Aid, whose Islamic name was Mahmoud Aid). The locations of these mosques were anything but happenstance, and were in fact the result of the reports discussed in the previous section. These mosques were situated in areas with a large Islamic community, which furthered the goal of spreading Islam and recruiting a maximum number of adherents.

An extremely broad range of incentives was used in pursuit of these goals, including offering language and religion courses, which were regarded as a fundamental element of the indoctrination. Recruits were offered trips to Iran so that that they could learn more about Islam and the revolution, and college students, professors and personnel from other network elements were offered lodging in the mosques.

At first glance it may seem that these activities are perfectly normal and unobjectionable for a religious center. But it is important to bear in mind that these were the exact activities that Iranian

agents used to recruit disciples that were sympathetic with the fundamentalist cause. Hence it is important to stress this point.

These assertions are corroborated by a great deal of other evidence in the case. In terms of indoctrination, the statement by Juan Carlos Ahmad is key, to the effect that both Rabbani and Abdul Karim Paz invited him to spend time at the mosque in order to learn about religion (p. 688/695 of his assets file and 3.694/3.701 of case 1627).

In the same vein, Ricardo Arévalo testified that he converted to Islam in 1991, and that he initially studied under Mohammed Riad Abbas at the At-Tauhíd mosque. The witness also indicated that every now and then he did cleaning and clerical work at the Cañuelas mosque, but did not receive any real pay for these jobs. Instead he was given a kind of stipend, the idea being that in addition to helping to disseminate Islamic culture, he should also learn about it in depth (p. 712/715 of file 251).

Along with this, Abbas stated that he only received a token payment for the Arabic and religion classes he taught at the At-Tauhíd mosque from December 1987 until 1990 (p. 86/88 of file 137).

In the same vein, Mohammed Reza Javadi-nia stated that he taught Farsi classes at the At-Tauhíd mosque when he began medical school in 1987 and that Rabbani was head of the mosque (p. 2.253/2.261 of case 1627).

The testimony of Khosrow Imanian is revealing on the subject of the lodging that was provided in the mosques. Not only did he allude to the group that was associated with Mohsen Rabbani and that lived at the At-Tauhíd mosque, but he also stated that he had learned that sheik M'ualimi had been excluded from this task by Rabbani owing to the M'ualimi 's opposition to the idea of housing

Islamic studies students in a mosque, on the grounds that this did not inculcate good work habits in the students (p. 2.210/2.222 of case 1627).

Ricardo Horacio Elía testified that he knew there were students staying at the At-Tauhíd mosque (p. 884/895 of file 313). This was corroborated by Ricardo Arévalo, who said that in 1989 he met a student named Zoraj at the At-Tauhíd mosque (p. 712/715 of file 251).

In the same vein, Mohammed Reza Javadi-Nia and Juan Carlos Moreno stated that they lived at the At-Tauhíd mosque (p. 2.253/2.261 and 181/187 of file 137).

Jorge Giani said he that he saw an enclosure at the At-Tauhíd mosque containing various cots and that some individuals were living there (p. 14.273/14.278 of case 1627).

Another way of securing an individual's fidelity was to send them to Iran to deepen their knowledge of Islam. Ricardo Horacio Elía mentioned the following students that Rabbani had recommended for this activity:

Santiago Paz Bullrich (Islamic name Abdul Karim Paz), Benjamín Mahmud Aid (who graduated in 1987) and Ali Abde Rraham, who graduated in 1996 (p. 885/895 of file 313). Arévalo gave similar testimony (712/715 of file 251).

This practice appears to have been confirmed by Mohammed Javadi-Nia (p. 2.253/2.261 of case 1627) and César Duarte (Rabbani's driver from April 1994 until June 1996), who stated that Rabbani actively promoted Iranian culture through students in whom he wanted to inculcate Islam by offering courses at the At-Tauhid mosque or the mosque in Tucumán, or by helping these students to enter Iranian study centers, and facilitating their path to a university career (p. 3.675/3.678, 3.680/3.688 and 3.689/3.690 (reverse) of case 1627).

Finally, Carlos Hernán Palazzo described yet another recruitment tool, which was offering employment. Specifically, he indicated that Mohsen Rabbani offered work (to individuals interested in religion) at the Cañuelas mosque, as well as the opportunity to attend Islamic divinity school (p. 900/907 of file 313).

The testimony from these various witnesses shows that the mosques contributed to the consolidation and development of Iran's intelligence service in Argentina. In other words, the mosques were accomplishing Iran's objectives. In his book *Terrorism in the Middle East*,[55] Khalid Duran states as follows: "The Shiite mosque in Buenos Aires was also actively engaged in obtaining support from local political parties in Iran. Most of its activities were aimed at creating a robust infrastructure for Teheran's terrorist network" (p. 104.151/104.179).

Although a detailed analysis will be presented in the section on the local community, we would like to point here that many individuals who attended mosques in Buenos Aires also carried out functions in the Iranian embassy, the Iranian Cultural Bureau, or the Iranian state owned company GTC, which was regarded by the Iranian ministry of commerce as Iran's commercial representative in Argentina.

The ties between the Buenos Aires mosques and the Iranian embassy merit special mention. Hadi Soleimanpour regularly visited the Floresta and Cañuelas mosques (see the following testimony in this regard: Alfredo Miguel Barcia, p. 633/640 of file 251; Luis Ricardo Arévalo p. 712/715 of file 251; and Daniel Boimvaser p. 3.389/3.391) and Mohsen Rabbani went to the embassy once a week

[55] Translator's note: I was unable to find any such book by this author, including under the Spanish title given in the text.

(see the following testimony in this regard: Viviana Maruffo p. 13.649/13.653 and 13.708/13.713 of case 1627; and Jorge Giani p. 14.273/14.278 of case 1627). In principle, there was nothing illicit or irregular about these ties. But it is certain they constituted a first step toward recruiting individuals who were sympathetic with the Iranian fundamentalist cause. Moreover these ties were absolutely essential, since both the mosques and the embassies constituted key elements in the terrorist organization via some of its members.

e) Cover business activities

Another element of the Iranian intelligence network in Argentina was the establishment of businesses whose structures were used to carry out specific activities that helped the Iranian intelligence service to achieve its aims.

These companies took advantage of the structures they interacted with in pursuing their business aims, which, under cover of their Argentine operations, allowed them to provide Iran with the following: logistic support, transporting persons for prolonged periods, and information/interchange of documentation. The purpose of all such activities was to allow for the realization of the AMIA attack.

The main type of support provided by these companies was the manipulation of sources with ties to the Iranian intelligence service in Argentina at a time when these organizations supplied a plausible reason for the visits of certain persons to Argentina whose entry into the country might otherwise have raised suspicions.

Thus the existence of these companies boiled down to another species of cover, in this case of a commercial nature, for a series of individuals with close ties to the Iranian government and the Iranian intelligence service in Argentina, who were managers in these companies, and often held a very high position in them. In the present section, we will analyze each of these individual cases as we describe each company.

The assertions made above have been substantiated by various sources, including a U.S. congressional report, which stated as follows: "They specialized in organizing a network of clandestine support elements that provided logistic and material assistance" (p. 2.679/2.694) for intelligence gathering and recruitment activities (p. 40, *Informe Internacional*).

This was corroborated by a number of witnesses. Hamid Reza Eshagi and Ali Reza Ahmadi indicated that one of the infiltration methods used by Iranian intelligence in Argentina "was the creation of fictitious companies" (p. 502/507 (reverse) of file 313). Abolghasem Mesbahi corroborate this, stating that the Iranian regime used state owned companies that carried out covert activities (p. 141 of file 204), and that these companies were in fact realizing intelligence activities (p. 3.448/3.461 (reverse) of file 204).

Our investigation also determined that these kinds of activities were embodied by the presence in Argentina of an affiliate of the state owned company Government Trade Corporation (GTC). Later on, another company called Imanco SA was set up in Argentina by Iranians who were residents there, and this company had very close ties with the Iranian government.

We shall now analyze the makeup, structure and mode of operation of these two companies, as well as the relationships they established.

The Argentine affiliate of GTC was set up via passage of a resolution at an extraordinary meeting of the GTC general assembly on 5 October 1983, at which time the affiliate was granted a permanent financial subsidy. The company was formally established in Argentina through the signing of a various contracts between Argentina and Iran. Ali Daryanian was named CEO of the unit, which he proceeded to register in Argentina.

These decisions were formalized in *Acta* [document] *no. 15* of 26 September 1984 (p. 8.113 of case 1627, original document at p. 37.530 of the "Embassy" case). GTC was formally registered in Argentina on 5 March 1985 in *Registro de Estatutos Extranjeros de la Inspección General de Justicia*, and was duly entered in *Libro 51, Tomo B* thereof (p. 8.120 of case 1627, original at p. 37.537 of the "Embassy" case).

The company's head office was located at Avenida Belgrano 535, 11th floor in Buenos Aires until mid 1993, at which time it relocated to calle Esmeralda 847, 10th floor "H". The Iranian embassy's Cultural Bureau also relocated to these premises at this time.

According to its bylaws, GTC's official purpose was as follows: "The company shall realize commercial activities that are necessitated by government objectives with respect to the offer, procurement, provisioning, purchase and sale of merchandise and products that are needed for consumption by the general public, as well as by ministries, companies and governmental organizations" (p. 8.114 of case 1627, original at p. 37.531 of the "Embassy" case).

This document clearly shows that GTC was acting as the commercial representative of the Iranian government. This mission explains to some extent the frequent contact that existed between GTC and the Iranian embassy in Buenos Aires, thus making the company an appendage of the embassy (p. 6 of the Annex "Empresas de cobertura" in *Informe Internacional*).

GTC's commercial activities were elucidated by the testimony of Ricardo Elía (p. 884/895 of file 313), who stated that the company realized quality control of meat that was exported to Iran, and later on did the same for grain. He also stated that in his capacity as a cleric, Mohsen Rabbani supervised the slaughtering of the animals according to Islamic rites.

In addition to the company's official activities, the Secretariat of Intelligence stated that GTC may have provided cover for Iranian intelligence operatives to enter Argentina (p. 6 of the Annex "Empresas de Cobertura" in *Informe Internacional*). This statement is indirectly substantiated by the fact that one of GTC's senior executives in Argentina, Seyed Jamal Youssefi, had previously served as commander of the First Division of Pasdaran and was a member of the Quds Force (p. 458/459 of file 313).

Youssefi's presence in the embassy was confirmed by an embassy employee named Viviana Maruffo, who stated that Youssefi was a regular fixture at the embassy, and was on very friendly terms with some of its personnel (p. 13.649/13.653 of case 1627).

It follows from Youssefi's regular presence at the embassy that Youssefi personally transmitted the intelligence that was obtained via GTC to embassy personnel.

Given the fact that, as we have shown, Youssefi was an Iranian intelligence operative, it is reasonable to assume that the real raison d'Ʇtre for his presence in Argentina was not to carry out commercial activities, but rather to provide services for the Iranian intelligence agency, which he did from his position at GTC, which was a mere front for his real activities.

This function became crystal clear when these covert activities continued unabated with the arrival in Argentina of Youssefi's replacement, Hossein Parsa, who held both an ordinary passport (no. 5.350.438) and a service passport (no. 097.436).

In April 1994, Parsa rented an apartment located on calle Carlos Pellegrini 1089, 6th floor C. It is not without significance that the rental agreement was signed at the offices of the Iranian embassy in Buenos Aires, and that the witnesses for the contract were Youssefi and embassy Third Secretary Ahmad Asghari. This clearly demonstrates the existence of a relationship between Parsa and the Iranian embassy in Buenos Aires.

Moreover, the apartment that Parsa rented had a striking feature, namely that the view into the rear windows of the apartment were completely obscured by a huge advertising poster, which means that it was not possible to see from outside what was going on inside the apartment. This characteristic must be seen in conjunction with other factors such as the verified phone calls that were made from this apartment, which was occupied by a subscriber whose phone number was 328-0881, and with whom Rabbani spoke by phone on 3 July 1994 (p. 2.553/2.554 of case 1627).

In addition, this phone number was used to make repeated calls to 0098-21-974131, which was the number of the Ministry of Reconstruction (concerning the personal cards[56] of M. M. Bassiri and A. Aghashahi, see p. 654 of file 204, which clearly show the relevance of the Ministry of

[56] Translator's note: *sic* in the Spanish and not specified further.

Reconstruction's phone number). Among the calls made was on outgoing call on 17 July 1994 at 11.08 p.m., and an incoming international call on the following day at 4.18 a.m. Parsa's relationship with the ministry is further substantiated by another call made on 18 July, at 4.44 a.m., to another Ministry of Reconstruction phone number (0098-21-970349) (p. 654, file 204). The call lasted one minute. 13 minutes later Parsa received another international call that lasted about four minutes (the call records are on file in Telintar archive no. TL020, p. 3.299 (reverse)/3.300 of case 1627). It should be noted that this latter call (to the aforementioned ministry) was placed on an extremely significant date, and was the only phone contact Parsa had with this number while he was employed by GTC.

The period during which the aforementioned two calls were placed to Iran takes on greater significance not only because GTC is suspected of being a cover business for intelligence agents, but also because the aforementioned Ministry of Reconstruction was used as a cover for activities by Quds Force operatives. This is substantiated by information contained in a report by the All-Party Parliamentary Group on Human Rights of the British parliament. According to the report, agents from the Ministry of Intelligence and from the Quds Force – the body in charge of coordinating foreign terrorist activities – used the office of the Iranian Ministry of Commerce in Buenos Aires, which is a clear connection with GTC, which was the ministry's cover name in Argentina. The Quds Force also used the Buenos Aires office of the Ministry of Construction Crusade (Jihad-e Sazandeghi), which operated out of the same building as GTC (p. 1.919/1.982 of file 204).

Finally, it should also be noted that Parsa abruptly left Argentina on 18 September 1994 despite the fact that his rental agreement was for two years (report issued by the Secretariat of Intelligence, p. 12.664/12.670 of case 1627; original at p. 25.207/25.213 of the "Embassy" case).

Thus an individual working for a cover business had an embassy official as the witness for his rental agreement, received calls from the Iranian Cultural Bureau, and is strongly suspected of having provided local logistics support for the AMIA attack – only hours prior to which he talked on the phone with an Iranian ministry that is suspected of having served as a base for the Quds Force. Although further work remains to be done in terms of investigating this matter, the confluence of relationships described above cannot be ascribed to mere coincidence. To the contrary: it represents a prime example of (a) the structure that was established by the Iranian intelligence service in Argentina; and (b) the permanent link between these two elements.

It was difficult to reconstruct GTC's commercial activities owing to the fact that the company only submitted documentation to the *Administración Federal de Ingresos Públicos (AFIP)*[57] for January-September 1995, during which period the company reported no commercial activity and no sales or costs (p. 8.139 of case 1627, original at p. 37.556 of the "Embassy" case). The testimony of GTC employee Juan Carlos Moreno (p. 181/87 of file 137) indicates that one of the company's activities was "purchasing grain for export to Iran". This was corroborated by Ricardo Elía, who testified that "from 1985 to 1987 I worked in the same company, but my work involved quality control of grains that were also destined for export to Iran" (p. 884/895 of file 313).

The following two suspicious circumstances emerge from the information in the previous paragraph: (1) The tax status of a state owned company representing a foreign government was completely irregular; and (2) The documentation that this company submitted in partial fulfillment

[57] Translator's note: The Argentine equivalent of the IRS in the U.S., i.e. the federal tax collection agency

of its reporting obligations indicated that it had conducted no activities of any kind for nine months. This circumstance was not the result of carelessness, nor was it a mere anomaly. It was attributable to the fact that GTC's main raison d'¬tre was to provide support and cover for the intelligence network that the Iranian government had established in Argentina – and not to carry out commercial activities.

It should also be noted that after the AMIA attack, Iran recalled its commercial representative at GTC, Khalil Mashoun (p. 7.823/7.828).

The other company that we mentioned, Imanco, was officially registered on 21 September 1989. Its partners were Mohammed Reza Javadi-Ni, Majid Parvas, and Mehdí Bizari, all of whose address was calle Florida 142, 9th floor C. The company's official purpose was described as follows in its bylaws: "Importing and exporting: on a commercial basis; import, export, and trade compensated within the framework of industry commerce, production and services" (p. 6.672 (reverse) of case 1627). The company was registered in the *Inspección General de Justicia* on 3 October 1989 (p. 6.598 of *libro 107, Tomo A*; p. 6.676 of case 1627).

Regarding Imanco's commercial activities, the Secretariat of Intelligence stated that Imanco realized no importing or exporting of any kind from 30 October 1989 to 31 May 1992, nor was any other operation detected that would have justified the company's existence. This indicates that Imanca was a cover business for Iranian intelligence (p. 3.925/3.926 and p. 2.070/2.093 of case 1627).

These assertions are corroborated by (a) the *Dirección General de Aduanas* [Argentine customs office] (p. 4.601/4.603 of case 1627), which stated that the company began realizing export activities on 1 January 1996; and (b) the statement by the then *Dirección General Impositiva* (now AFIP [federal tax authorities]) to the effect that Imanco did not report any operations, except for a 25,000 peso sale in July 1993 (documentation on file in the secretariat).

The points mentioned above are corroborated by the Imanco partners, who testified that Imanco's sole commercial activity consisted of carpet importing (testimony by Majid Parvas, p. 2.191/2.195, Mehdí Bizari, p. 2.202/2.209 (reverse) and Javadi-nia, p. 2.253/2.261, all in case 1627).

The documentary reconstruction of Imanco's commercial activities was rounded out by an analysis of their 1991-1993 balance sheets, which show that the firm registered a loss throughout this period. This required the company to obtain additional capital amounting to 37,500 and 160,000 pesos respectively (documentation on file in the secretariat). This capital was supplied by the company's CEO Mr. Parvas, who his partners reported was well off (testimony by Javadi-nia, p. 2.253/2.261 of case 1627)

However, given the fact that neither Parvas nor any of the company's partners figure in the register of shareholders, Argentine auditors were unable to explain satisfactorily the origin of the funds that originally capitalized the company, particularly since the company reported no normal business activity and that it continually reported more expenses than income (box 42, envelope 1, document 12.380, in English).

Likewise unexplained are the Imanco bank transactions that were detected. These transactions involved current account no. 0080-16620-3 at Banco Quilmes (p. 6.690), and a second current account at Citibank (no. 0777884-018) which was opened on 13 December 1989 and closed in June 1993 (p. 6.497 of case 1627). Parvas and Javadi-nia opened a joint savings account at Banco Quilmes in July 1993, at which time they made a deposit (p. 6.503 of case 1627).

Having studied Imanco's activities in detail, we cannot think of any basis for explaining the workings of a company that reported losses during its six years of operation and only managed to realize one transaction. The company's commercial status indicates that its real purpose was to provide cover for Iranian government agents that were operating in Argentina.

Finally, the connections between Imanco and GTC (which we have characterized as functional elements in Iran's intelligence service in Argentina) is particularly significant in this context. The two companies had overlapping personnel in that Bizari and Javadi-nia, who were partners in Imanco, also worked for GTC. These individuals, along with Parvas, later worked for South Beef SA, another company suspected by Argentine intelligence as having been a cover business, albeit after the AMIA attack (p. 2.191/2.195, 2.202/2.209 (reverse) and 2.253/2.261 of case 1627).

f) Functional elements of the intelligence service

The Iranian intelligence service in Buenos Aires needed to be extremely familiar with the society in which it was operating, including the political, economic, social and cultural aspects of Argentine life. The individuals who operated in these domains were carefully selected for the

relevant tasks, and the characteristics identified in them indicate that they were fully integrated into Argentine daily life.

Hence observation of the activities realized by members of the Iranian community that lived in Argentina during the 1990s has allowed for the identification of various unmistakable patterns that add up to signs demonstrating that these persons were part of the Iranian intelligence service in Buenos Aires.

Abolghasem Mesbahi testified as follows in this regard: "...The fourth level was composed of members of the Islamic community from the target country, whose task it was to provide logistic support and gather information (...) in the environment where everyday life unfolded" (p. 3.448/3.461 (reverse) of file 204).

The shared features that characterize certain members of the Iranian community who collaborated with the intelligence network can be summarized as follows: They entered Argentina during the latter half of the 1980s; they maintained a relationship with the Iranian government; they only studied medicine; they drove taxis; they regularly went to events at the Floresta or Cañuelas mosques; they maintained relationships with Iranian diplomats; they served as translators for both the embassy and its Cultural Bureau; they were employed by the aforementioned cover businesses; they shared a house or apartment; and they had a close relationship with Mohsen Rabbani, who was instrumental in establishing Iran's intelligence service in Buenos Aires.

The Iranian community's links with Rabbani, and particularly the real reasons for this relationship, are elucidated by the following statement from the testimony of Naser Rashmany, an

Iranian refugee who arrived in Argentina in 1990: "Rabbani had a group that was called the 'antennas', whose function was to gather information on the Bahai and all Iranians that came to Argentina" (p. 1.006/1.015 of file 71).

Rabbani's attitude toward the Iranian community in Argentina was elucidated by the following statement from testimony of the witness Bahardoush: "...At the time there were two clearly defined spheres within the Iranian community in Argentina. One of them was more liberal and had adapted to Western ways, and the other identified with the Iranian regime and was characterized by their religious fervor. Among them were individuals who worked at the Iranian embassy and the At-Tauhid mosque." The witness continued: "You had to be particularly careful with Ali Reza Halvaei, Mohsen Pazoki, Mohammed Reza Javadi-nia, Mehdí Bizari and Mohsen Rabbani owing to their extreme identification with the Iranian regime. To the point where any conflict with these individuals could lead to problems in obtaining immigration documents" (p. 2.196/2.201 of case 1627). This testimony clearly demonstrates the extent of the complicity that existed between the Iranian government and its partners, to the point where official procedures were held up or obstructed for those who were opposed to the regime or were reluctant to accede to the demands of local leaders.

Mention should also be made here of Argentine converts to Islam that contributed to the development of the Iranian intelligence service in the same way. These individuals must also have been integrated into the local Islamic community since they exhibited the same behavior patters as Iranian immigrants. We are mainly referring here to Ricardo Horacio Elía (alias Shamssudine) and Juan Carlos Moreno (alias Mohammed Reza).

Now that we have presented an overview of the characteristics and goals of this element of the Iranian intelligence network in Buenos Aires, we will describe the main activities carried out by the members of the local Islamic community.

This community was at the receiving end of many of the activities realized by those who organized and developed the Iranian intelligence service in Argentina. In the present section, we will describe the methods and institutions that were used to achieve this objective. Our analysis of the daily activities realized by Rabbani's most trusted associates will shed light on this segment of the network, and will show that all of these individuals had numerous characteristics in common that could not possibly have been the result of pure happenstance. Indeed many of the tasks carried out by these Iranians were orchestrated by their leaders and had specific aims.

We will now summarize the characteristics that the various members of the Iranian intelligence service shared in common.

The first member of the network to enter Argentina was Mohammed Reza Javadi-nia, who arrived in mid 1986. Previous to this, he had been sent to Argentina by the Ministry of Islamic Culture and Guidance (Ershad)) for a 13 or 14 month stint at the Iranian embassy, and had then returned to Argentina (p. 2.253/2.261 of case 1627).

In 1987, owing to his wish to study electrical engineering in the U.S., Ali Reza came to Argentina in the company of his cousin Naser Derakshannia, since he knew that he could obtain a visa in Argentina for the U.S., which had previously turned down his application (p. 2.526/2.532 of case

1627). Khosrow Imanian arrived in Argentina around this same time, having been sent here to work as an administrator at the Iranian embassy in Buenos Aires (p. 2.170/2.177 of case 1627).

The following year saw the arrival (on 19 July) of Mohammed Reza Baharkoush and Hesmatollah Rahnema, who entered on a tourist visa. On 3 December of that year, Seyed Noureddin Rafiee came to Argentina, as did Mehdí Bizari and his wife (p. 2.202/2.209 (reverse) and 4.064 (reverse) of case 1627).

In January 1989 Majid Parvas came to Argentina in order to finalize negotiations on a contract having to do with food. Mehdí Bizari and Mohammed Reza Javadi-nia, who claimed to be from Imanco SA, arrived with Parvas (p. 1.736/1.738 (reverse) of file 1627).

The following month saw the arrival of Kian Ghorbani, who was planning to study medicine in Argentina (p. 900/907 of file 313).

Finally (although this falls outside the scope of the period mentioned above), on 16 March 1994 Khalil Ghatea arrived in Argentina from France as a tourist, having just completed his military service with Pasdaran (p. 2.162/2.169 of case 1627). He was suspected by the Secretariat of Intelligence of being a "sleeper cell."

We will now describe a series of parallels that have been verified concerning the activities and characteristics of the members of this Iranian minority – parallels that prove that these individuals were working for the intelligence service that was operating in Buenos Aires.

One of the most striking parallels is that all of the individuals that were investigated had some kind of connection with the Iranian government, in addition to the fact that some of them also worked at the Iranian embassy in Buenos Aires. Hence we are in the presence here not of individuals from the private sector who decided to emigrate from Iran in search of new horizons, but instead persons who had ties to the Iranian government to one degree or another. It therefore follows that at least some of them were sent to Argentina by the Iranian regime for the purpose of carrying out a preconceived plan, a circumstance reflected by their carefully organized and highly specific activities.

The emblematic instance of this is constituted by Mohammed Javadi-nia, who testified that on joining Ershad, he was instructed to read various books and publications about Argentina, and ultimately was sent here to work at the Iranian embassy. His work at the embassy involved sending reports to Iran concerning cultural activities in Argentina, although he also filed his own reports concerning the reestablishment of democracy in Argentina (p. 2.253/2.261 of case 1627). Owing to differences with then-Ambassador Salar, Javadi-nia eventually decided to return to Iran, where he again took up his work duties at Ershad. He returned to Argentina in 1986.

Mehdi Bizari testified that he worked as a journalist for the official Iranian news agency IRNA in Teheran. He continued exercising this function at the agency's Buenos Aires office (located at calle Viamonte 1600) on his arrival in Argentina.

Undoubtedly, the Iranian government's decision to send Bizari to Argentina was strongly influenced by the fact that he spoke Spanish fluently (as a result of having spent a year [1984] at

Universidad Complutense de Madrid) and his relationship with Rabbani, whom he had gotten to know in Teheran (p. 2.202/2.209 (reverse) of case 1627).

As for Khosrow Imanian, he had worked for the Ministry of Agriculture, the Foreign Ministry, and the Interior Ministry, in addition to serving as mayor of Dashty. In other words, he had an entire career as a public servant under his belt by the time he arrived in Argentina (p. 2.170/2.177 of case 1627). Moreover, during his year in Madrid he got to know Soleimanpour, who at the time was a diplomat in Spain. As for Khalil Ghatea, he was a member of Pasdaran and fought in the Iran-Iraq war (p. 2.162/2.169 of case 1627).

Another parallel – which was alluded to above and which appears to have been verified for the aforementioned individuals – is that all of these persons worked as taxi drivers. It should be borne in mind in this regard that driving a rented vehicle is advantageous for an intelligence informant in numerous ways. He can drive from place to place, drive down the same street numerous times, or park in front of a location for a prolonged period without attracting suspicion, while he gathers the required information. A taxi driver can also act as a courier, and his continuous contact with the local population puts him in an ideal position to learn about the particularities of the country he is working in.

It has been established that Mehdi Bizari, Kian Ghorbani, Mohammed Reza Javad-Nia, Ali Reza Halvaei, Seyed Noureddin Rafiee, Hesmatollah Rahnema and Mohammed Baharkoush all drove taxis. The latter was the most heavily involved in this activity, having rented three vehicles for this purpose (two Renault 12s, license plates SMN-940 and SHO-313, and a Peugeot 504, license plate SVT-604). The Peugeot was co-owned by Seyed Noureddin Rafiee. The other owner was Mansur

Nasiri Dafchai, who two months following the purchase sold his share to Hesmatollah Rahnema, who Rafiee knew from having attended festivals that were organized jointly with Ahmad Pazoki at various hotels in calle Rivadavia.

Another relevant dimension of the Iranian intelligence agents in Argentina – namely the status of medical students that many of them had – was elucidated by the testimony of Ali Reza Ahmadi and Hamid Reza Eshagi, representatives of a group known as Mujahidins of the People. They indicated that the Iranian students living in Argentina have to be regarded as Vevak operatives until the reverse is proven, since the regime made a habit of sending students abroad so that they could gather information on technology, politics and so on (p. 502/507 (reverse) of file 313).

This is consistent with the reports concerning some Iranian students in Argentina to the effect that they were being subsidized by the Iranian government, a circumstance that made them easy prey for manipulation by Iranian authorities. Baharkoush testified as follows in this regard: “He stated that some Iranian students that he met in Argentina were receiving financial assistance from the Iranian government, although this was not true of him..." (p. 1.736/1.738 (reverse) of file 1627).

Eduardo Ricardo Lescano testified as follows: "A $1000 monthly stipend was earmarked for each student that spent time at the mosque, but Rabbani only gave them $100 and kept the rest" (p. 3.945/3.950 of case 1627).

The aforementioned assertions are borne out by the (established) fact that the following individuals studied medicine at the University of Buenos Aires: Ali Reza Halvaei (p. 2.526/2.532

of case 1627), Mehdí Bizari, HesmatoUah Rahnema, Mohammed Baharkoush (p. 2.196/2.201 of case 1627), Kian Ghorbani, Mohammed Reza Javadi-nia, Khosrow Imanian and Seyed Noureddin.

Of these individuals only Mohammed Reza Javadi-Nia and Rafiee graduated (p. 2.253/2.261 of case 1627). This is consitent with the information provided by the Iranian defectors (see the beginning of the present section) concerning the real reason why Iranians enrolled at universities in Argentina, namely in order to gather information that could be relayed back to the heads of the intelligence network. In addition to this, being college students gave these individuals a plausible pretext for remaining in the country.

Also worthy of mention in this regard is that some of the aforementioned individuals shared living quarters, which were in any case provided by the heads of the intelligence service, thus creating de facto bonds between these individuals and putting them in a position of subjugation vis-a -vis the heads of the intelligence organization.

One example of this type of arrangement was the residence at calle Tapiales 1420, fifth floor P in the Vicente López district, which was provided to Ali Reza Halvaei by Shafi Shafie, an Iranian attorney, who in 1989 was litigating a case before the International Court of Justice. This apartment was also the residence of Mohammed Shams (cultural attache of the Iranian embassy and an Ershad operative), Seyed Jamal Youssefi (a top manager of GTC), and Khalil Ghatea, who was detained by Argentine authorities for trying to leave the country with false documents.

A map of South America with Arab inscriptions on it and a drawing within the confines of South America, was found during a police raid on this residence on 15 May 1998 (p. 4.488 of case 1627).

In a report annexed to the present report (p. 4.535) the Secretariat of Intelligence explains the significance of the aforementioned drawing as follows: "The drawing depicts the Islamic view of areas inhabited by Muslims. The area above the eye represents the spread of Islam from the south to the north of Latin America. The white dividing line is the path, the circle is the area that is densely populated by Muslims and that will serve as a center (i.e. Argentina) from which Islam and its ideology will spread to the northern part of Latin America."

Another shared residence was located at Avenida Pueyrredón 1217 in Buenos Aires, and was owned (and inhabited) by Carlos Hernán Palazzo (alias Nancho), an Argentinean who had converted to Islam and was a regular fixture at the At-Tauhíd mosque. Baharkoush lived there with Hernán (p. 2.196/2.201 of case 1627). The owner testified that "it was normal for 'Nancho' to live in his house with people he knew" (p. 2.196/2.201 of case 1627). Hesmatollah Rahnema (p. 900/907 of file 313 of case 1627) and Khosrow Imanian (2.170/2.177 of case 1627) also lived in this residence. The latter worked for Hernán making sweets.

Another relevant residence was the apartment located at calle Mendoza 2996, 13th floor D in Buenos Aires. The occupants of the apartment were Seyed Noureddin Rafiee (4.064/4.069 of case 1627) and Khalil Ghatea (who was lodged there at the express behest of Hesmatollah Rahnema, and lived in the apartment from April 1994 to February 1995).

A significant number of these individuals worked for the so called "cover businesses," whose nature and purpose – serving as elements of the Iranian intelligence network – are explained elsewhere in the present report. It should be noted that the informants in the local community all testified that they were employed by the cover businesses. Hence GTC (whose official activity was the realization of quality control for exports of meat and grain to Iran) employed the Iranians Ali

Reza Halvaei, Mehdí Bizari, Mohammed Reza Javadi-nia, Mohammed Baharkoush, Hesmatollah Rahnema, and Khosrow Imanian, as well as Ricardo Horacio Elía (alias Shamssudine) and Juan Carlos Moreno (alias Mohammed Reza) who were Argentine converts to Islam. In addition, the company known as Imanco (whose activities were described in a previous section) was composed of Bizari, Javadi-nia and Parvas. And finally, the company known as South Beef employed many of the aforementioned individuals, namely Ali Reza Halvaei, Mehdí Bizari, Majid Parvas, Juan Carlos Moreno, Mohammed Javadi-nia and Khalil Ghatea.

Another characteristic that linked the members of the local Islamic community who worked for the intelligence service was that they all spent time at the local mosques. All of them indicated that they had attended services at these mosques, where they developed relationships with other individuals that were in the same situation, and where they also had the opportunity to become acquainted with sheik Rabbani. Some of them became even more deeply involved with their mosque by taking classes, performing work, and living, in some cases for prolonged periods. The emblematic case in this regard is that of Juan Carlos Moreno (Argentine convert to Islam, Muslim name Mohammed Rida), who lived at the At-Tauhíd from 1991 until the end of 1997 (p. 181/187 of file 137).

Moreno also named the following additional individuals who lived at the mosque: Javadi-nia (lived in the mosque for 18 months and taught Farsi classes there; p. 2.253/2.261 of case 1627); Santiago Paz Bullrich (Muslim name Abdul Karim Paz), Mohammed Riad Abbas, Khosrow Imanian, Carlos Hernán Palazzo, Eduardo Lescano and Mehdí Bizari (p. 181/187 of file 137).

As we shall see later, some of these individuals also translated books and other publications for the embassy and/or the Cultural Bureau. Ali Reza Halvaei testified that from 1992-1997, he

translated, for the Cultural Bureau of the Argentine embassy, various publications of a cultural nature and certain announcements that were published in Argentine newspapers (2.526/2.532 of case 1627). Mehdí Bizari also translated (likewise for the Cultural Bureau) newspapers, magazines, books and contracts that were given to him by Mohsen Rabbani. He also translated for the embassy, through which activity he met Ambassador Soleimanpour and Third Secretary Asghari, with whom he discussed academic subjects (p. 2.202/2.209 (reverse) of case 1627). Seyed Noureddin Rafiee testified that he did translations for the Cultural Bureau, and that the work was assigned to him by Ali Halvaei.

Although Mohsen Rabbani was the main force when it came to promoting cultural activities, his disciples worked on these tasks with him. It should be noted that this second generation of Islamic proselytizers were not necessarily imbued with the same ideas as Rabbani, i.e. they may not have been religious fanatics to the point of carrying out indiscriminate violence in order to achieve the mandated goals.

Another relevant fact in this regard is that Mohammed Reza Javadi-nia and Ricardo Elía founded a publishing company called Alborada which published between six and eight books, although they did not earn any money on them.

Ricardo Elía was particularly active when it came to spreading Islamic culture. From 1986-1988, he was in charge of the Iranian embassy's stand at the Buenos Aires book fair. He also realized texts and tourist/cultural brochures for the Cultural Bureau, and organized various events that were sponsored by this organization (p. 884/895 of file 313)

As for Javadi-nia, he also acted as a liaison between Universidad de Lomas de Zamora and the Iranian embassy in connection with a course on Islamic philosophy, but nothing came of this. This

unsuccessful effort led Javadi-nia to try again, this time to organize Islamic sociology courses that were taught by Abdul Karfm Paz at the At-Tauhid mosque. In carrying out this activity, Javadi-nia made contact with Soleimanpour and Ahmad Reza Asghari.

Finally, it should be pointed out that the system we have described here could not have been implemented without ample funding, particularly when the scope of the undertaking is taken into consideration. It is also noteworthy that from the outset, this undertaking was planned with clearly defined goals in mind, and that financial support was provided for the express purpose of achieving a specific outcome. Hence it was Mohsen Rabbani who received and administered the funds from the Iranian government that were used to establish the network step by step. Rabbani distributed the funds he received from Iran to the various elements that made up the system, according to the needs of the undertaking.

In view of this, as well as the fact that Rabbani handled the operation's finances almost single-handedly, we will describe the specifics of his role in connection with his personal situation.

Hence, the description in this section of the establishment of an Iranian intelligence system in Buenos Aires demonstrates that (a) the various organs of the Iranian government cooperated extensively in creating the system; and (b) the highest authorities in the Iranian government made the decision to carry out a terrorist attack in Argentina.

Furthermore, all of the information gathered and conclusions reached by the intelligence network in Buenos Aires were relayed to the Office of Investigation of the Iranian Information Ministry, which coordinated the activities of Vevak agents who were operating abroad under diplomatic

cover. All of the information that was sent by the intelligence service in Buenos Aires passed through this office.

g) Activities by diplomatic couriers

The months of June and July of 1994 saw a significant increase in the movement of diplomatic couriers and Iranian officials, who tended to stay in Argentina only a very short time and most of whom entered the country using diplomatic passports that were issued not long after issuance of the relevant visas, despite the fact that the individuals concerned had other valid passports.

Between 11 and 18 July 1994, Seyed Yousef Arabi, Mahmoud Monzavizadeh, Saied or Saeid Baghban, Ahmad Alamolhoda or Alam Alhoda and Ahmad Abousaeidi entered Argentina; and between 15 and 17 July, Barat Ali Balesh Abadi, Hossein Ali Tabrizi and Masoud Amiri entered the country. Moreover, Allem Kafamy Khorasani, was in Argentina from 10 April to 24 June, purportedly to conduct an audit at the Cultural Bureau of the Iranian embassy.

These entries quite naturally raised suspicious concerning the intended activities of these individuals in Argentina, most of whom, as was indicated by qualified witnesses, had ties to the Iranian intelligence organization.

Diplomats at the Argentine embassies in the Middle East expressed surprise when shown a chart depicting the movements of the aforementioned Iranian officials (p. 2.449 of file 392). This chart summarizes the entries into Argentina, on dates very close to the date of the AMIA attack, of a large number of Iranian diplomats from Germany, Iran, Chile, Brazil and Uruguay.

In this regard, Juan Ángel Faraldo and Marcelo Eduardo Huergo, who were the Argentine AMIA ambassadors to Lebanon and Tunisia respectively at the time of the AMIA attack, testified that they

regarded as “striking” the fact that so many officials came to Argentina within such a brief period (p. 104.464/104.470 (reverse) and 104.564/104.567 (reverse)).

The following additional Argentines expressed this same view: Norberto Augusto Pedro Auge, Argentine ambassador to Iran until the end of 1993 (p. 104.344/104.350 (reverse)); Gustavo Alberto Urrutia, former head of the North African and Middle Eastern sections of the Argentine Foreign Ministry; the Argentine ambassador to Lebanon from 1995-1999 (p. 104.353/104.356); and Mario Avelino Quadri Castillo, Argentine ambassador to Iran as from January 1994 (p. 110.537/110.541).

In addition to concurring with the aforementioned assessments, Antonio Alberto Isso (Argentine ambassador to Kuwait from November 1993 until December 1997) stated as follows by way of speculation on the subject of intelligence: “I imagine that these visits were carried out within the context of an intelligence operation that was related to another operation. What I mean is that the sole purpose of this arrival of countless pieces of Iranian mail, as well as numerous Iranian agents and ambassadors, was to create a smokescreen so as to distract local authorities, while the real perpetrators of the attack entered the country through another route" (p. 104.3 83/104.386 (reverse)).

In the identical vein, José María Valentín Otegui, the Argentine ambassador to Israel from late 1993 until early 1998, testified that from a technical standpoint, the movements of these officials represented “a substantial amount of activity for an embassy such as Iran’s" (p. 104.539/104.544).

As for Abolghasem Mesbahi (who is an expert on this matter by virtue of his knowledge of and connections with Iranian procedures concerning the realization of foreign terrorist operations) corroborated these initial suspicions. He spoke in general about the movement of diplomatic couriers, whom he stated were sent once a week and only remained in the destination country for 24 hours; adding that if the person stayed longer than 24 hours, he wasn't a diplomatic courier but was instead a person entering the "target" country on some other kind of mission under this type of cover; and that even Iran Air flight attendants covertly undertook diplomatic courier assignments (p. 3.448/3.461 (reverse) of file 204).

In addition, in his testimony before the *Tribunal Oral en lo Criminal Federal No. 3* (p. 4.105/4.137 of file 204), Mesbahi said that the use of diplomatic couriers increased drastically prior to the attack owing to the need to transmit a large amount of information with a view to contributing to the security of the individuals that were carrying out the attack. The items exchanged via diplomatic courier included money and above all encoded and decoded messages, although these fluctuated rapidly.

On this same subject, Witness A testified that the couriers were not diplomatic personnel, but were instead employees of the intelligence ministry, which maintained a Foreign Ministry office that was in charge of this type of courier. Witness A also indicated that Iran used diplomatic couriers in Europe for terrorist operations until the 1990s. He further stated that he knew that Iran used diplomatic couriers [for illicit purposes] in Argentina by virtue of having witnessed on a number of occasions the opening of the pouches sent under this type of cover. However, he stated that in Argentina these pouches were used only to replace encryption the keys that were used by the embassy, as well as to deliver devices to test for the presence of eavesdropping microphones in the embassy building; or to transport important documents (p. 72/86 of Witnesses A's file).

During his interview for the present case (p. 737/750 of file 209), former Iranian president Bani Sadr – after being told about the presence, for no apparent reason, of Iranian officials, agents and diplomatic couriers from third countries only a few days prior to the AMIA attack – stated as follows with a view to explaining what might have happened on the basis of his experience: the majority of embassy personnel in countries where Iran carries out terrorist operations are intelligence agents, from Vevak, or from the Revolutionary Guard; the diplomatic couriers are a means of communication; and it is very possible that diplomatic bags were used to send arms, explosives, and detonators, among other things.

In addition, the information provided by Manoucher Ganji (former Iranian education minister under the Shah and secretary general of the Iranian defectors' organization Flag of Freedom) is relevant and indicative from a comparative standpoint.

On being informed of the aforementioned increase in movement on the part of diplomats and diplomatic couriers from third countries just prior to the AMIA, Ganji recalled a similar situation, namely the assassination of Elahi, which was coordinated by Mashadi and on which occasion the previous presence at Orly airport of Mashadi with the Iranian ambassador, the president of Iran Air and the head of Iran's security service was detected (p. 65/69 (reverse) of file 352).

Similar procedures have been observed in connection with other criminal acts by the Iranian regime. As these events are analyzed in detail elsewhere in the present report, we will only touch upon them briefly here. The assassination of Kazem Radjavi is a clear example of the elements that are related to the present section.

As stated previously, the Iranian nationals involved in Radjavi's assassination arrived at the Geneva airport from Teheran on 10 and 17 April 1990. They were all carrying Iranian service passports and their flight ticket numbers were consecutive. Radjavi was assassinated on 24 April 1990.

The Swiss investigators stated that the Iranian government was involved in the assassination. One of their main reasons for reaching this conclusion was that "all of the Iranian nationals mentioned in the present report were carrying diplomatic passports, relieved these individuals of the necessity of obtaining a Swiss entry visa (...) and are issued solely by the Iranian government" (p. 317/318 of the report by Judge Roland Châtelain, annexed to file 207, archived in file 204).

In reference to this assassination, Kenneth Timmerman observed that a mere 30 minutes after Radjavi was assassinated, 12 persons connected with the event left the country via various airlines, all with recently issued diplomatic passports whose numbers were consecutive to each other. Timmerman also pointed out that one of the significant aspects of the AMIA attack was the diplomatic activity that occurred just prior to it consisting of the arrival and departure of officials, "which shows that they knew in advance that the attack was going to occur (...) a readily verifiable circumstance in light of the normal activity of Iranian diplomats, compared to the extraordinary amount of movement in the days prior to the attacks[58]" (p. 76/80 of file 352).

Thus, we began with the "striking movements" (as they were termed by the Argentine ambassadors in Middle Eastern countries), and then discussed the suspicions concerning foreign intelligence activities, and ended with the description of past international events that indicate a

[58] Translator's note: *sic* in the Spanish (attacks)

significant parallel with the AMIA attack (testimony by Manoucher Ganji and our analysis of the Radjavi case).

The aforementioned circumstances suggest that it is necessary to conduct a detailed analysis of what happened in Argentina in terms of the movements of Iranian diplomatic couriers and diplomats during the period leading up to the 18 July 1994 attack, with a view to drawing conclusions concerning the event.

The first of these groups (Seyed Yousef Arabi, Mahmoud Monzavizadeh, Saied or Saeid Baghban, and Ahmad Alamolhoda or Alam Alhoda) were in Argentina from 11-15 June 1994. Their arrival was followed by that of Ahmad Abousaeidi on 18 June.

Seyed Yousef Arabi held the position of attache in charge of consular affairs at the Iranian embassy in Chile from 9 June 1992 until 22 November 1995 (petition no. 3405 filed with the supreme court of Chile, p. 2.178/2.211 of file 392), and according to the report by the Secretariat of Intelligence, was identified as the head of the intelligence service and agent of the Iranian Ministry of Information (Vevak) in Chile (p. 90/91 in *Informe Internacional*). He was also the "encrypter" at the Iranian embassy in Denmark until 1988 (p. 3.083/3.084 (reverse) of file 392).

Abolghasem Mesbahi indicated that Arabi was a former Iranian Ministry of Information official and an expert on explosives and the associated calculations. Mesbahi testified that this made Asabi's presence essential. However, Mesbahi also said that he had no direct knowledge as to what Asabi's mission might have been in connection with the AMIA attack (p. 3.609/3.635 of file 204).

In addition, after explaining that there are two kinds of writing in Farsi, Mesbahi testified that he knew a person by this name very well (the "a" in his name was pronounced in an elongated manner, which is why it was sometimes written with two "a's in Roman letters), since he had seen him some 200 times. But Mesbahi did not recognize this individual in the photograph he was shown, which was presumed to be a photo of the person in question (Mesbahi indicated that the photo was poor quality and thus it was difficult to identify the person on the basis of this image). He also explained that in Iran, when a person who worked for the news service went abroad, sometimes photographs of similar looking persons were incorporated into the person's identity documentation.

In view of these circumstances, which would seem to be more fitting for an Iranian intelligence agent than for a career diplomat, it should be pointed out that Asabi entered Argentina on 14 June 1994 and left on the following day (immigration form and cable from the Argentine embassy in Chile dated 19 April 1994, on file in the secretariat; reports from the Interpol department of *DUIA de la Policía Federal* and the company Lan Chile, p. 2.606, 1.944/1.945 and 2.614 of file 392; and p. 45/51 of file 394).

Mahmoud Monzavizadeh arrived in Argentina on 12 June 1994 and left three days later, in both cases accompanied by Saied or Saeid Baghban, who was also an official in the Iranian Foreign Ministry and who, as we shall see, is thought to have been in charge of the encryption keys for the Iranian Ministry of Information (Vevak) (p. 321/351 of file 394; p. 1.485/1.486 of file 194; p. 1.884/1.903, 2.747/2.754, 2.586, 1.904/1.926, 2.738/2.746, 2.610/2.611, 1.944/1.945 of file 392;

immigration forms; cables from the Argentine embassy in Iran, nos. 10082, 010243 and 010244/94; and relevant documentation on file in the secretariat).

In his testimony, Abolghasem Mesbahi identified Baghban as an Iranian intelligence agent, stating as follows: "...I knew someone named Saeid Baghban who was also in Argentina. He was in charge of the encoded-message transmission section of the Ministry of Information in Buenos Aires...I am sure now that this is the person I was referring to; the "g" goes before the "h" as I said before..." (p. 3.609/3.635 of file 204). This account appears to have been validated by the Secretariat of Intelligence, which believes that Baghban was "in charge of the Vevak encryption keys" (p. 91 in *Informe Internacional*).

Likewise suggestive is the visit – likewise related to the AMIA attack – by a person identified as Ahmad Alamolhoda or Alam Alhoda. And in point of fact, during his testimony cited above, when Mesbahi was asked about Ahmad Alamolhoda – whom Mesbahi said he had close contact with from 1973-1979, although he did not recognize him in the purported photograph of this individual that we showed him – he responded that Alamolhoda was a member of the High Commission for the Organization of Islamic Culture and Communication, and that he specialized in Islamic revolutionary movements worldwide, in other words those outside of Iran. Mesbahi also said that Alamolhoda attended the University of Sharif and did additional coursework in religion in Quom (p. 3.609/3.635 of file 204).

Former Iranian president Bani Sadr said something along the same lines, namely that he knew Ahmad Alamolhoda as he was well known in Iranian political circles and was a member of a very religious family (p. 737/750 of file 209).

According to information from the Argentine Foreign Ministry (p. 1.344/1.345 of file 392), Alamolhoda became director of cultural affairs in the Iranian Foreign Ministry in June 1994 (also see copy of the cable from the Argentine embassy in Iran, p. 1.751 of file 392).

Two visa applications are on record for this individual, who is identified on both applications as Ahmad Alam Alhoda, passport no. 0001734.

The first application was submitted to the Argentine embassy in Germany on 7 June 1994 (cable 10791 of 7 June 1994, on file in the secretariat, and a copy on file at the Argentine embassy in Germany, no. 011223/1994, p. 2.038/2.039 of file 392). The other visa application was submitted by the Iranian embassy in The Hague on 8 June to the Argentine embassy in The Netherlands (copies of cables 010461 and 10519 p. 1.751/1.752 of file 392). On the following day, the Iranian embassy in The Hague requested that the diplomatic passport for originated the application not be granted a visa (copy of cable 010470, p. 1.753 of file 392).

In reviewing this peculiar episode, we noticed that the request for cancellation that was submitted to the Argentine embassy in The Hague on 9 June antedates by one day, and for no apparent reason, the date upon which Germany granted the same individual a visa.

However, this was not Ahmad Alamolhoda's only "unsuccessful" visit to Argentina, for he had previously planned a visit here in late 1993, and was supposed to accompany Ali Djanati, undersecretary of the Ministry of Islamic Culture and Guidance (Ershad); but this visit did not take place (copies of cables no. 010412, 011065, 010427 and 011097/1993, p. 1.668/1.671; and case findings, p. 1.665/1.667, all in file 392; and documentation on file in the secretariat).

Following these successive requests for visas, Ahmad Alamolhoda or Alam Alhoda entered Argentina on 11 June 1994, and despite having requested a 30 day visa, left the country four days later for Madrid, Spain, a country where (according to the Secretariat of Intelligence) the regional head office of Iran's Latin American intelligence service is located (immigration forms on file in the secretariat; p. 2.590, 1.930/1.940, 1.944/1.945 and 2.349/2.373 of file 392, and p. 139 in *Informe Internacional*).

Apart from the circumstances described above, there are also elements indicating that Ahmad Alamolhoda and Ahmad Alam Alhoda (irrespective of the similarity of the two names) were one and the same person. This conclusion is based on the fact that insofar as the visas from late 1993 and the corresponding visa from 1994 are concerned – although the diplomat identified himself as Alamolhoda in the first case and Alam Alhoda in the second – both visas state that the individual in question was born in Teheran in 1957. This was substantiated by an examination of the 1994 immigration records for Alam Alhoda, who registered with Argentine immigration authorities under the name Alamolhoda (immigration form dated 11 June). It is these two circumstances that make us certain about the identity of the individual that wished to enter Argentina in late 1993, and whose entry into the country was in fact registered on 11 June 1994.

Here we need to turn once again to the testimony given by Abolghasem Mesbahi, who expressed the following view of Ahmad Alamolhoda's visit to Argentina: "Iran's consulates also performed civil registration functions for classified persons who entered Iran (...) they are not identified in the passports and are realized without an invitation. Alamolhoda was a senior official in the consular affairs section that dealt with foreign relations, which is where passports were issued, in other

peoples' names, for personnel in the Ministry of Intelligence. Inasmuch as Mohsen Rabbani was a very trusted person in Argentina at the time, as well as being a trustworthy person, Alamolhoda went to Argentina to help him and so that the two men could act in concert – in other words issue passports in the names of third parties and issue special visas..." (p. 3.609/3.635, specifically p. 3.629 (reverse) of file 204).

As for Ahmad Abousaeidi, the documentation shows that he was First Secretary of the Iranian embassy in Uruguay from 1 April 1991 until 23 January 1995 (p. 1.719 of file 392, and other documents concerning the request submitted to Uruguay in file 392).

In addition to Abousaeidi's registered entries into Argentina (p. 1.456/1.457, 3.927/3.969, 3.643/3.664, 3.459/3.461 (reverse) and 3.401/3.402 of file 392) and in accordance with the 90 day visa that he was granted on 26 May 1994, Abousaeidi arrived in Argentina on 18 June of that year (p. 138/143 of file 394; copy of cable 050555, p. 2.295/2.297 and reports on p. 1.456/1.457 of file 392; plus cable 050124/94 of 9 May 1994, on file in the secretariat).

Also relevant in this regard is Abolghasem Mesbahi's statement to the effect that "he does not know Ahmed Abousaedi as the name is written here, but he does know an individual by the name of Ahmed Abousaeidi," adding that "perhaps the name can also be written Abousaeidi". The witness then stated that "this Ahmed Abousaeidi was a member of the Revolutionary Guard. He was in charge of local planning for future attacks and operations, such as monitoring and observation as well." On this occasion, Mr. Zamankhan explained, in his capacity as an expert translator of Farsi, that in reality when Farsi is translated into languages that use the Roman alphabet, in many cases the spelling varies. And that is the case with the name Ahmed Abousaeidi, since it can be spelled more than one way (p. 3.609/3.635 of file 204).

The second group of diplomats entered Argentina the weekend prior to the AMIA attack. The group was composed of Barat Ali Balesh Abadi, Hossein Ali Tabrizi and Masoud Amiri, who only remained in the country from 15-17 July 1994.

As indicated by the evidence in the case, Barat Ali Balesh Abadi, who is thought to have been an Iranian Foreign Ministry official, entered Argentina on 15 July 1994 and left two days later (p. 321/351 of file 394; p. 940/941, 1.099 (reverse), 1.148, 1.310/1.312, 1.820/1.858 and 2.708/2.718 of file 392; cable 010263/1994 on file in the secretariat and copy, p. 96.047; cable 010459/1994, a copy of which is at p. 95.370; also immigration records on file in the secretariat).

Mesbahi also referred to Barat Ali Balesh Abadi in his testimony. Although he stated at first that he didn't know this person, he then indicated that the name was fictitious, since its meaning was both humorous and meaningless. The witness explained in this regard that Balesh means "pillow;" that Abadi means "deserted place that is in the early stages of development;" and that Baratali is a first name in Farsi. In view of these facts, the witness concluded that the individual's entry into Argentina "was undoubtedly a red herring whose purpose was to create confusion," inasmuch as Vevak would never put their operatives in Argentina at risk via the arrival of an agent" (p. 3.448/3.461 (reverse) of file 204).

As with the case described above, the Argentine embassy in Iran issued a visa to Hossein Ali Tabrizi, who was likewise an Iranian Foreign Ministry official. He entered Argentina on 15 July 1994 and left two days later in the company of Barat Ali Balesh Abadi (p. 1.485/1.486 of file 194; 321/351 of file 394; p. 1.944/1.945, 1.820/1.858 and 2.708/2.718 of file 392; cable 10262/94 and immigration document on file in the secretariat).

With regard to Tabrizi, Manoucher Ganji stated that he was familiar with the name, which he associated with attacks against the organization for which he was testifying (p. 65/69 (reverse) of file 352).

As for Masoud Amiri, who was an attache in the Iranian embassy in Brasilia from 12 October 1993 to 1 July 1997 (request, p. 2.902/2.993 and official translation, p. 3.265/3.311, both in file 392), entered Argentina on 16 July 1994 and, like the aforementioned two officials, left the country two days later (p. 1.233/1.237, 2.601, 2.719/2.722 and 2.723/2.727 of file 392; p. 321/351 of file 394, and immigration document on file in the secretariat).

A suggestive episode concerning Amiri emerged from our investigation of the location indicated on the immigration document as Amiri's address during his stay in Argentina. The address indicated was Hotel Sheraton. However, two attempts on the part of personnel from the *Departamento Unidad de Investigación Antiterrorista* to obtain records of Amiri's stay at the hotel revealed no signs of his ever having stayed there (p. 2.885/2.885 (reverse) and 2894, and documents, p. 4.143, all from file 392).

It should also be mentioned that (a) Amiri had previously visited Argentina on two other occasions, namely 10 November and 23 December 1993 (p. 1.233/1.237, 1.624, 1.650 and 2.650/2.654 of file 392); and (b) the Secretariat of Intelligence indicated that Amiri was probably an agent of the Iranian Ministry of Intelligence (p. 3.083/3.084 (reverse) of file 392).

Now that we have described the evidence concerning each of the Iranian government officials that visited Argentina around the time of the AMIA attack on 18 July 1994; and now that we have

established beyond a reasonable doubt that these visits were directly linked to the various segments of the Iranian intelligence infrastructure, we can proceed to the consideration of other revealing aspects of the event.

Most of the passports (all of them diplomatic passports) held by the aforementioned officials were issued in April and May of 1994, as was the case with Monzavizadeh, Baghban, Balesh Abadi, Tabrizi, Alamolhoda and Amiri. An examination of the visa numbers for Monzavizadeh, Tabrizi, Baghban and Balesh Abadi reveals a similar situation: their visa numbers were 9, 11, 12 and 13/94, and were issued by the Argentine embassy in Teheran.

All of these visas were issued between the end of April and the beginning of June 1994, and in most cases were issued for passports that were issued especially for the occasion, despite the fact all of these individuals already had valid passports with ample validity periods remaining. This fact was verified in the cases of Amiri, Monzavizadeh and Alamolhoda, whose documentation was still valid for more than one year prior to the date of the new visa (p. 1.624 and 1.650 of file 392 and documentation on file in the secretariat).

It therefore follows that the new diplomatic cover was granted for the express purpose of generating confusion concerning the identity of these envoys, as clearly occurred in the case of Alamolhoda; this may also have been necessary in the event any other Iranian nationals entered Argentina subsequently.

Finally, the presence of Balesh Abadi, Tabrizi and Amiri in Argentina at the end of the week prior to the AMIA attack should be mentioned, particularly given the fact that these individuals left the country the day after the bombing, despite the fact that they had 30 day visas.

Concerning the key element in this regard – the movement of diplomatic couriers and officials – we should also mention the presence in Argentina, from 17-24 April, of Allem Kafamy Khorasani, whom the Secretariat of Intelligence suspects may have been “an expert from the Iranian ministry of culture” (p. 27 of the Annex "Embajada" in *Informe Internacional*), and who was sent to Argentina during this period to carry out some kind of financial audit at the Cultural Bureau of the Iranian embassy in Buenos Aires.

Khorasani’s stay in Argentina in 1994 – his reentry in 1996 and again in 1997 notwithstanding – appears to have been substantiated by the testimony of Mohsen Pazoki, an administrative employee who had collaborated on the realization of “a kind of accounting system at the embassy" (p. 896/899 (reverse) of file 313).

Ricardo Horacio Elía (an Argentine convert to Islam and member of the Cultural Bureau staff) testified as follows with regard to Khorasani: "He was sent to Argentina by the Iranian ministry of culture to carry out an audit at the Cultural Bureau (...) He mentioned that Khorasani was a Cultural Bureau employee at this time and lodged at the At-Tauhid mosque, to which he was driven by the Cultural Bureau’s driver [César] Gabriel Duarte" (p. 884/895 of file 313).

Although this was corroborated by Mr. Duarte (p. 3.680/3.688 (reverse) of case 1627), it should be added that the witness Ornar Alberto Cuello, who was an embassy driver at the time of the attack, cast doubt on the aforementioned statements concerning Khorasani. However Mr. Cuello did state that he knew Khorasani, but said that Khorasani worked at the embassy, not at the Cultural Bureau (p. 4.679/4.683 of file 313).

Be this as it may, one thing is certain: according to the immigration documents on file at the secretariat, Allem Kafamy Khorasani entered Argentina on 17 April 1994, identified himself as an

Iranian civil servant, and indicated that his address while in Argentina was the Iranian embassy in Buenos Aires. He left Argentina on 24 June 1994, and in so doing provided the same information.

In terms of conducting a comparative analysis of the characteristics of Iranian officials that were in Argentina, along with their backgrounds (which we provide in each such case), it should be noted that in June and July of 1994, the movements of such personnel increased considerably. In retrospect, this is a clear indication that preparations were underway for an event, or some type of unusual activity within the context of the operations of the Iranian diplomatic corps.

Juan Antonio Rodolfo Pedro Pardo, who at the time of the AMIA attack was deputy director of *Nacional de Ceremonial de la Cancillería* (the Argentine government agency that issues diplomatic visas), stated the following concerning the unusual nature of the aforementioned movements by Iranian government officials: "At the period when the attack occurred, I believe I noticed a substantial increase in the number of diplomatic couriers that were entering the country...". Mr. Pardo was unable to specify the usual frequency of such arrivals, but he stated that "45 days prior to the attack, the number shot up substantially" (p. 100.121/100.125).

This statement is corroborated by reports issued by the Argentine Foreign Ministry (p. 45/51 and 321/51 of file 394) and Secretariat of Intelligence (p. 808/836 of file 394) indicating that from 1 January-10 June 1994, in addition to the visas mentioned above, only eight diplomatic visas were issued for Iranian Foreign Ministry officials.

The evidence in the case indicates that only the following four of the officials who were granted visas actually entered Argentina (their entry dates are in parenthesis, all in 1994): Soltani Najaf Abadi Asadollah (2 February); Jalali Kambiz (7 March); Gholamreza Valizadeh Pilehrood (Janurary); and Gholamreza Bizar (May) (p. 808/836 of file 394 and 1.568/1.574 of file 194).

Given these facts, it is safe to say that during the six months prior to the AMIA attack, the same number of Iranian diplomats applied for visas to enter Argentina that subsequently entered within the space of only four weeks. And inasmuch as these were the four weeks immediately preceding the AMIA bombing, this increase in movements by diplomats can be characterized as being not only unusual, but also suggestive.

This fact takes on even greater significance when one takes into account the fact that no event or circumstance of any kind was planned or realized by any organ of the Iranian government that would have justified this amount of movement on the part of the country's diplomats. The deputy director of *Nacional de Ceremonial de la Cancillería* (the Argentine government agency that issues diplomatic visas) confirmed this fact in his testimony (p. 100.121/100.125) and expressly reported the phenomenon the Argentine Foreign Ministry in July (p. 1.186/1.187, file 392).

In addition, and in connection with the arrival of Iranian diplomats in Argentina (in this case from Brazil in 1992), in his testimony Abolghasem Mesbahi referred to a case that allows a parallel to be drawn between the movements of diplomats prior to the AMIA attack, and the events that occurred around the time of the bombing of the Israeli embassy in March 1992.

We are referring here to the presence in Argentina of Jaffar Saadat Ahmad-Nia, who at the time was an attache at the Iranian embassy in Brazil, and whom Mesbahi instantaneously recognized Ahmad-Nia from a photograph. Mesbahi indicated that this individual's Vevak name was Erfanyan, and that he had been a confidant of Khamenei. Mesbahi also stated that when it came to operational actions, Ahmad-Nia was always "on site," where he acted as head of the operation and resolved any logistics problems that arose (p. 141 of file 204).

In view of the aforementioned, as well as the fact that Ahmad-Nia had previously entered Argentina from Brazil on 16 March 1992 and had left two days later (intelligence report, p. 1.684/1.698), the brevity of Ahmad-Nia's visit takes on greater importance in light of the fact that that the attack on the Israeli embassy took place on 17 March 1992.

Having realized this digression, it should be noted that the increase in espionage activities during the aforementioned dates in 1994 has been established beyond a reasonable doubt. If one adds to this the fact that the related circumstances occurred during a period that was very close to that of the AMIA attack, plus the extensive movements by Iranian intelligence agents who were on specific missions (some of an undetermined nature) involving information transmission, changing encryption keys, encrypting messages, and creating a smokescreen of confusion so as to forestall any investigation of the attack, it is clear that this is yet another element of the plan that was hatched by the Iranian government with a view to carrying out the AMIA attack.

In light of these conclusions, it is necessary to refer here to the situation concerning the trial of the following (and aforementioned) Iranian nationals for whom requests for capture were issued by Judge Galeano: Barat Ali Balesh Abadi, Hossein Ali Tabrizi, Masoud Amiri, Seyed Yousef Aarabi, Mahmoud Monzavizadeh, Saied or Saied[59] Baghban and Ahmad Alamolhoda or Alam Alhoda.

In this regard, we must qualify somewhat our view of the matter. Just as we described the evidence for the claim that Iran was carrying out an operation based on the substantial increase in the movement of diplomats and diplomatic couriers in Argentina just prior to the AMIA attack, we must also point out that the evidence we have gathered is not sufficient to justify requesting the capture of these individuals.

In his writ (p. 106.265/106.468), the judge issued a national and international request for capture for the diplomat identified by the Iranian Foreign Ministry as Barat Ali Balesh Abadi, with a view to his appearing in court for a preliminary interrogatory pursuant to Article 294 of the *Código Procesal Penal de la Nación* (item IV of the writ issued on 5 March 2003).

On 13 August 2003, the judge issued a writ requiring the following Iranian officials to appear in court: Hossein Ali Tabrizi, Masoud Amiri, Seyed Yousef Arabi, Mahmoud Monzavizadeh, Saeid or Saied Baghban and Ahmad Alamolhoda or Alam Alhoda (p. 110.469/110.481, item I).

The judge's decision to issue a writ ordering the appearance of the aforementioned suspects took into account the fact that all of these officials were in Argentina for a short period on official missions and with a diplomatic passport, a circumstance that the judge found suspicious in light of

[59] Translator's note: *sic* in the Spanish (both names written the same way)

the background of some of the individuals concerned, plus the verified increase in the number of diplomats and Iranian officials in Argentina at the same period (previous to the AMIA attack) and at a time when the Middle East conflict was heating up, and following the visit by the Iranian delegation headed by Ali Akbar Parvaresh; plus the unusual circumstance that all of these individuals came to Argentina.

There were also other circumstances that the judge regarded as indicating that the reasons for these visits were connected to the AMIA attack, and in particular to the envisaged participation by these suspects in realization of the operational phase of said attack, pursuant to a predetermined action plan (items V and XII of the court order issued on March 2003, p. 106.265/106.468).

In accordance with this line of argument, it is possible that the Iranian officials that arrived in Argentina in June did so in order to check on the progress of the operation. As for those who arrived in July, it is within the realm of possibility that the purpose of their presence was to create a smokescreen (a hypothesis advanced by the Secretariat of Intelligence) or to maintain contact with the so called "attack group."

It should be noted that in the case of Barat Ali Balesh Abadi, the judge also assessed the event that occurred at the Argentine embassy in Teheran on 31 July 1994 (reported via cable no. 010410/1994), which will be described below (p. 95.089/95.090). With regard to this event, the judge indicated that notwithstanding the fact that this investigation was still ongoing, the general information provided by the source had been substantiated.

This factor, in conjunction with the remainder of the elements that have been described, played a determining role in the judge's decision to issue the writ concerning Abadi, since in the first hearing a writ was not issued for the other officials, in whose regard the judge instructed that the investigation should continue.

Cognate with this, the judge issued a formal request to the Iranian authorities aimed at obtaining their cooperation in providing information concerning the following: the visits effected by the aforementioned agents; their addresses while in Argentina; issuance of the service passports that were used by these agents; and their academic, professional, military and diplomatic backgrounds (item X in the ruling, p. 106.265/106.468; and p. 110.469/110.481).

Ultimately, in light of the lack of cooperation on the part of the Iranian government and the fact that only this government could provide the information needed to clarify the situation resulting from the suspects' actions, the judge decided to issue a writ ordering the suspects to appear in court and testify, and concluded that the evidence in the case of 5 March 2003 supported the presumption that these individuals had participated in the AMIA attack (item I, p. 110.469/110.481).

In light of the background of the case, and notwithstanding the suggestive movements on the part of the officials described at the beginning of the present section, it should be reiterated that we do not feel that there are sufficient grounds for issuing requests for capture for these individuals.

We are well aware of the fact that within the context of a criminal proceeding testimony given by a suspect is (a) primarily an act, on his part, of material, voluntary and personal defense; and (b) the first and most appropriate opportunity for the suspect's testimony to be heard with regard to the

specific allegations against him and to learn the facts of the case and the evidence on which it is based. And we are also aware that the decision to require a suspect to give such testimony falls within the discretion of the Court, except for a request for testimony pursuant to article 212bis of the *Código Procesal Penal*, which empowers the public prosecutor to take such testimony.

However, if an inescapable and important act is involved that entails involvement of an individual in a criminal proceeding, and if that individual is presumed to be the author of the act in question, the judge can only issue such a subpoena insofar as there are "sufficient grounds" for suspecting that the individual participated knowingly and willingly in the event under investigation.

On the basis of this conceptual framework, it follows from an analysis of the present case that the evidence that has been accumulated and that we have reviewed in detail in the present report, is currently not sufficiently incriminating to conclude that the suspects knowingly and willingly participated in the attack, or the intelligence operations described at the beginning of the present section.

What the evidence shows is that these individuals spent a very short amount of time in Argentina just prior to the AMIA attack; that they did so under diplomatic cover and as representatives of the Iranian government in an official capacity either as diplomatic couriers or within the framework of an official mission; and that these individuals were agents that had ties to the Iranian intelligence service.

However, despite the investigations realized to date, we have been able to determine neither the exact role the suspects played with regard to the AMIA attack and its presumed perpetrators, nor –

and this is key in terms of justifying the position we are advocating here – has it been possible to determine, based on the current evidence in the case, whether the suspects acted deceitfully.

Although the qualified witnesses who expressed their views (based on their expert knowledge) concerning the activities realized by diplomatic couriers and diplomats have opened up a range of possibilities, we have been unable to determine which if any of them is a better prospect since they all appear to be about the same in one way or another.

There are two final issues we would like to take up here. (1) *The circumstances surrounding the information contained in cable CA EIRAN 010410/1994 (p. 95.089/95.090) sent by the Argentine embassy in Iran*, in view of the evidentiary importance of ascertaining the motivations for the actions whose validity is under discussion here.

It should be pointed out that although the general information provided in this regard by a witness who came to our offices – an Iranian citizen named Mostafa Azma who indicated that he is an airline pilot – has been partially corroborated in principle, despite the various investigations that have been ordered and carried out in this case, we have not yet been able to corroborate the substantive information provided by this witness, much less the information that is of primary interest, namely the allegation that Barat Ali Balesh Abadi was the chief coordinator of the AMIA attack.

It is certain, however, that the communication that was realized in the same cable by its signatory Rivolta, and the substantiating information that we obtained from the counterpart authorities in Portugal (who were consulted within the framework of the request submitted in this regard), have

enabled us to confirm (a) the identity of the official at the Iranian embassy in Portugal who is suspected of being the informant; and (b) the existence of a friendship between this official and an Iranian national by the name of Sabed Vafaee. But at the same time the aforementioned source has denied (i) the existence of any marital relationship between them; and (ii) that Balesh Abadi was in Portugal.

It should be borne in mind that the cable indicated that María José Morgado Fortes Conde was married to an Iranian by the name of Vafaei, whom Ms. Fortes Conde did not know was part of a terrorist organization (likewise an unconfirmed piece of information); nor did she know that Vafei may have issued a visa to Balesh Abadi, who then went to Portugal to take up a full time position at the Iranian embassy there.

Portuguese authorities indicated that Abadi worked at the Portuguese embassy in Teheran from 1 February 1972 (where he was a consular official) to 1 June 1980, and that he had been head of the consular section prior to that.

The Portuguese authorities also said that Abadi had married Massoud on 14 February 1972 and that he had a personal friendship with Sabed Vafaee, whose presence in Portugal from August 1989 to July 1991 has been substantiated (p. 3.312/3.363 and 3.612/3.630 of file 392).

However, with regard to Barat Ali Balesh Abadi, the Portuguese told us that according to an investigation by the Portuguese Ministry of Foreign Business, Services for Foreigners, and Borders, there was no record of a person by that name having spent time in Portugal (p. 2.336/2.337 and 3.627 (reverse) of file 392).

In addition to this, the informant (Abadi) had promised to provide additional information and some photos (in the cable he states that he will return on 7 August 1994), but never did in fact return to or contact the embassy again.

Hence, in view of the fact that it has not been possible to verify Abadi's identity and declared activities/domicile, not to mention the informality of the communication medium used,[60] it must be concluded that the factors considered here preclude a favorable assessment of the credibility of this source, particularly in view of the warning issued by the Secretariat of Intelligence with regard to the individual who presented himself at the same embassy on 7 May 2001 claiming to have information and documentation concerning the AMIA attack (cables, p. 93.679, 93.881, 94.813/94.814, and 96.033/96.034). This same scenario recurred in the case under consideration here, since we were likewise unable to contact Abadi.

As for the specifics, it was determined that the local personnel were not very trustworthy and that normally they worked for the Iranian intelligence service (p. 95.181 (reverse)), a circumstance that was substantiated by the possibility that the informant's behavior was intended to send investigators on a wild goose chase. This in turn confirmed the witness Mesbahi's statement concerning Abadi's identification and the Mesbahi's surmise concerning the purpose of sending diplomatic couriers to Argentina in July, including ones that Mesbahi had personal contact with.

(2) *We feel that it is worth devoting part of the present report to an analysis of the individual statements that are included in the considerations that formed the basis for the writ issued in March 2003* (p. 106.282 and 106.34l (reverse)), in reference to the purported correlation or quasi-

[60] Translator's note: unclear in the Spanish, but the cable may be meant

correlation between the numbers of some of the passports that were presented by Iranian officials and were issued 5 April and 23 May 1994, although such a statement does not square with the reality of the situation.

The numbers and dates of issue of the passports the suspects used to enter Argentina were as follows: Balesh Abadi: no. 00001490, issued 15/5/1994; Tabrizi: no. 00001499, issued 16/5/1994; Amiri: no. A0001836, issued 23/5/1994; Monzavizadeh: 0001154, issued 5/4/1994; Baghban: no. A0001450, issued 11/5/1994; and Alamolhoda or Alam Alhoda: no. A0001734, issued 17/5/1994 (Arabi has been omitted here as he used passport no. 010508 which was issued on 17 November 1992).

As can be seen from the information above, the numbering of the passports was neither correlative nor quasi-correlative, the only relative proximity occurring in connection with the passports of Baghban, Balesh Abadi and Tabrizi, of a total of seven officials mentioned.

(3) Finally, worthy of special consideration here is the contradictory action on the part of the judge concerning his decision to issue the 13 August 2003 writ summoning the officials in question (except for Balesh Abadi) to appear.

A review of the reasons for issuing this order and that of March 2003 indicates that the same evidence was cited in both cases but different significance was attached to it. In our view, this change of heart was not well founded.

In the first case, the judged ruled that only Balesh Abadi should be captured, and indicated that the cases of Tabrizi, Amiri, Arabi, Monzavizadeh, Baghban and Alamolhoda or Alam Alhoda

should be investigated further. The key point here is that the judge failed to verify the status of the suspect as is required by article 294 of the *Código Procesal Penal*.

Nonetheless, in the writ issued on 13 August 2003, Judge Galeano did issue a writ summoning these remaining diplomats to appear. Toward this end, he argued – contrary to his argument in the first writ – that the evidence presented here constituted sufficient and convincing evidence and indicated that the suspects had been parties to the crime.

This change of heart with respect to the facts in the case was not the result of new elements, but was instead prompted by the position adopted by the Iranian government, whom the judge held responsible for failing to cooperate in a manner that would allow the investigation to be conducted on Iranian soil, with a view to clarifying the situation resulting from the actions on the part of the suspects.

In view of the analysis that we have presented in the present section, we have concluded that, despite the existence of sufficient evidence substantiating the fact that the movements of Iranian diplomatic couriers and diplomats near the time of the attack were directly related to the preparations for the attack, there is not sufficient evidence to state (at least not with the degree of certainty that is needed to issue a summons to appear pursuant to article 294 of the penal code) that the suspects' participation in the attack was deceitful. Consequently, we request that the summons to appear within the meaning of article 294 of the *Código Procesal Penal* be cancelled, and that the request for these suspects' capture be cancelled as well.

h) Situation concerning Ali Akbar Parvaresh.

On 9 Aug 1994, the judge then in charge of the case issued a national and international request for capture for Ali Akbar Parvaresh with a view to his appearing in court for a preliminary interrogatory concerning his connection with the attack of 18 July 1994 (p. 2.306/2.372).

This decision was based for the most part on the testimony given by the Iranian refugee Moatamer Manoucher during his preliminary interrogatory in Caracas, at which time Manoucher alleged that Ali Akbar Parvaresh was the head of the terrorist group to which he referred and a Hezbollah commander.

On 5 March 2003, after more than eight years of investigation, Judge Galeano issued an order confirming the previous duly issued request for the capture of Ali Akbar Parvaresh. On this occasion, instead of referring to the testimony of Moatamer Manoucher, Judge Galeano mentioned a series of elements in the case that convinced him to issue the warrant “inasmuch as Ali Akbar Parvaresh is still under suspicion" (p. 106.265/106.468).

This decision was based on the fact, which was assumed to have been proven, that Ali Akbar Parvaresh entered Argentina on 3 December 1993 and departed three days later. It was determined that Parvaresh did not make the trip alone, but was in fact part of an Iranian delegation, whose other members were Seyed Mohammed Reza Mavalizadeh, Mofid Kyaee-Nejhad, Abolhassan Omrani Rakavandi and Hossein Arabi-Fard. And in accordance with the application for a seven day visa that had been submitted by the Iranian foreign minister, the trip constituted an official mission for all members of the delegation.

Concerning Parvaresh's movements in Argentina, Judge Galeano cited the testimony of Jorge Daniel Boimvaser and Alfredo Miguel Barcia, who described the activities realized by the Iranian delegation in Cañuelas. These witnesses were in fact alluding to the following activities: a meeting that was held at the Al Iman mosque; a dinner that was served in the function room of the Sociedad Española in Cañuelas, and the speeches that were given by Parvaresh and Rabbani at this event.

Judge Galeano also mentioned the information provided by the Iranian Foreign Ministry concerning the activities realized by Parvaresh in Argentina, and based on information provided by Argentine legislative bodies (*Congreso de la Nación* and *Legislatura de la provincia de Buenos Aires*) ruled out the possibility that Parvaresh had met with any members of these bodies.

Finally, in assessing whether Parvaresh played a role in the AMIA attack, the judge relied on evidence concerning meetings that were held by Iranian defectors in France, as well as statements by Abolghasem Mesbahi and former Iranian president Abolhassan Bani Sadr.

In terms of the assessment of the available evidence concerning the role Parvaresh might have played in the AMIA attack, we disagree with the criterion formulated by the judge in the case, since we feel that issuance of a writ ordering Parvaresh to appear in court for a preliminary interrogatory is not appropriate at the present time.

In point of fact, the various sources of information that the investigation has used have thus far provided us with only two concrete elements: Ali Akbar Parvaresh's ties to high Iranian government officials; and his 1993 arrival in Argentina. The remaining evidence that has been

gathered does not enable us identify exactly what Parvaresh's connection was with the attack, or to what extent he provided support for the planning and execution of the attack.

In the interest of providing a clearer view of our approach in this regard, we shall now describe the evidence concerning this aspect of the case, and shall assess the validity of this evidence in light of the other elements that were developed during the course of the investigation.

It has been established that on the date he entered Argentina, Parvaresh was a member of the Iranian parliament. Abolghasem Mesbahi described Parvaresh as a prominent political figure and identified him with orders issued by Vevak (with regard to Parvaresh's ideological profile, also see the testimony by Witness A of 24 September 1994).

In the same vein, Ali Reza Ahmadi and Hamid Reza Eshagi identified Parvaresh as one of the founders of Pasdaran, describing him as one of the ideologues in the Ministry of Information (p. 502/507 (reverse) of file 313).

Former Iranian president Bani Sadr indicated that, despite some ups and downs in previous years, Parvaresh was part of the circle around Khamenei (p. 737/750 of file 209).

Viviana Paula Maruffo, a secretary at the Iranian embassy in Argentina, stated that Ambassador Hadi Soleimanpour went to meet Parvaresh at Ezeiza airport in Buenos Aires, which she said was unusual. Maruffo recalled that the embassy staff were all in a tizzy at the prospect that such a high ranked personage was going to be visiting. The witness concluded by saying that "Parvaresh was the most important personage from the Iranian government that ever visited the embassy" (p. 13.708/13.713 of case 1627).

The testimony cited above adequately substantiates Parvaresh's political importance in Iran, as well as his ties with Iranian intelligence.

On 30 October 1993, the Iranian Foreign Ministry sent the Argentine embassy in Iran a note (no. 721/59276, on file in the secretariat) requesting seven-day visas for the following individuals: Akbar Parvaresh, Seyed Mohammed Reza Mavalizadeh, Mofid Kyaee-Nejhad and Abolhassan Omrani Rakavandi.

These individuals went to Argentina in November as representatives of the Iranian parliament, with a view to conducting negotiations and paying an official visit to the Cultural Bureau of the Iranian embassy in Buenos Aires.

Via cable 010478 of 9 November 1993, the Argentine embassy in Iran requested authorization to issue said visas, whereupon said authorization was granted via cable 011273 of 16 November 1993 (p. 834 and 835 of file 392).

On 9 November 1993 a similar visa was requested for Hossein Arabi Fard, and was authorized two days later (cable nos. 010477 and 01125, p. 1.628 and 1.633 of file 392).

Entry into Argentina by the aforementioned representative of the Iranian government on 3 December 1993 was confirmed by Iranian authorities when Argentina diplomats in Iran where summoned owing to the request for capture that had been issued (cable no. 010436/1994 of 10 August 1994, p. 134/135 of file 402; and reports issued by the Secretariat of Intelligence, p. 1.424 (and reverse) of file 392 and p. 5.203/5.245 of case 1627).

Hossein Arabi Fard Asimismo's departure from Argentina on 6 December 1993 was confirmed by an immigration document (file 392, on file in the secretariat, copy at p. 3.531; report by the *Departamento Unidad de Investigación Antiterrorista*, p. 3.401/3.402, both in the file mentioned).

Having shown that Ali Akbar Parvaresh was in Argentina on the dates mentioned and that in his capacity as a high ranking Iranian official (according to testimony by Mesbahi and Iranian defectors living in France) he was connected to the Iranian intelligence apparatus, we will proceed to an analysis of the various elements of evidence in the case that shed light on the activities that were realized during Parvaresh's stay in Argentina.

In this regard, an employee in the Iranian Cultural Bureau by the name of Ricardo Horacio Elía identified Parvaresh as the head of a three or four person delegation from Iran that interviewed ministry of education personnel, the vice president of the chamber of deputies, and other judicial officials (p. 884/895 of file 313).

However, the validity of the aforementioned information is undermined by reports from the Argentina Foreign Ministry and the two houses of the legislature of Buenos Aires province. According to these reports, there is no evidence of any official invitation having been extended in connection with any such meeting between the Iranian delegation and members of parliamentary committees (p. 869/880, particularly p. 872 of file 204). This same statement was made by both houses of the legislature of Buenos Aires province (p. 3.438 and p. 3.509 of file 392).

On the other hand, there is proof that Parvaresh was in Cañuelas, and that he spent time at the Al Iman mosque there.

This was confirmed by Alfredo Miguel Barcia, who noted that Parvaresh had gone to the mosque on an official mission, accompanied by other leaders: “he was the main person... he prayed, had a meal, and then there were speeches, I think by Rabbani and Parvaresh” (p. 633/640 (reverse) of file 251).

Parvaresh’s presence at the aforementioned mosque was also substantiated by the testimony of Jorge Daniel Boimvaser, who backed up his statements with a video “showing the individuals in question entering the meeting, participating in it, and leaving it. This video was made by a local TV station and José Ramallo, who had a contract with the mosque to shoot this meeting for the members of the mosque..." Boimvaser also stated that Ramallo not only filmed this meeting, but also had a contract to shoot the meetings that were held elsewhere than at the Al Iman mosque, one example being the lunch that was served on 5 December 1993 in the function room of the Sociedad Española on calle Basavilbaso in Cañuelas, an event that Parvaresh also attended (p. 3.389/3.391 (reverse)).

The sheik of the Cañuelas mosque, Roberto Rubén Medina, confirmed that ambassador Soleimanpour and Ali Akbar Parvaresh visited Cañuelas in December 1993, along with Rabbani and four or five other Iranian members of parliament whose name he could not recall. During this visit, Parvaresh gave a speech at the mosque. Afterwards there were prayers, and then they went to the *Centro Español de Cañuelas*, where they had lunch (p. 1.303/1.308 (reverse) of file 251).

Hadi Roshanravani (a member of the Security and Intelligence Commission of the National Council of Iranian Resistance) stated that “there wasn’t enough vigilance with regard to the contact between Iranian religious authorities such as Parvaresh and the local communities, since the

individuals who were prepared to carry out these actions were motivated by religion, not money, and the goal of the religious authorities who were visiting the country was to sustain and inflame these feelings" (p. 129/136 of file 209).

In line with this logic, we now need to recapitulate the evidence that has been gathered indicating that Parvaresh was linked in one way or another with the AMIA attack.

However, from this point on, this issue becomes somewhat tricky. For the fact of the matter is that the various individuals that mentioned Parvaresh were unable to provide concrete information concerning the role he played in the AMIA attack, and described Parvaresh's possible actions in such general terms that in our view it is not possible (at least for the present) to accuse Parvaresh of anything specific.

The original allegations against Parvaresh (pursuant to the court ruling of 9 August 1994) were based on statements made by Moatamaer Manoucher, who identified Parvaresh as the head of a terrorist group whose integration he also described. This hypothesis was ruled out as the investigation advanced, and Parvaresh's activities were relegated to more secondary roles than those that had originally been imputed to him. But at the same time, the information we obtained was so general and diffuse that it is difficult to formulate a concrete and coherent accusation with regard to Parvaresh.

Ali Reza Ahmadi and Hamid Reza Eshagi stated that Parvaresh came to Argentina in order to mobilize "the Shiites and Alauitas,[61] a mission he carried out with great success... He was the one

[61] Translator's note: *sic* in the Spanish and unclear; probably an editorial error; Sunnis may be meant.

who, at the beginning, established contact with the clandestine network of the radio program “To Mecca”; and he was also the one who, after the 1993 meeting in Iran, came to Argentina, where he evaluated the situation and wrote a report about it" (p. 502/507 (reverse) of file 313).

Abolghasem Mesbahi testified that Parvaresh was put in charge of “coordination for any important operation,” but did not provide any further details as to what these activities actually consisted of.

In later testimony, Mesbahi said that “Parvaresh’s job was to be on site prior to an attack that was to be carried out locally, and to supervise and do the final planning for the operation. In some attacks realized by Iran, he was ultimately the one who had to be at the location of the actual attack...to check on everything and send a report to the religious leader.” With regard to the AMIA attack, Mesbahi indicated that a trip by an official of Parvaresh’s stature “meant that the operation would be carried out soon after his visit" (p. 3.609/3.635 of file 204).

Finally, in his testimony before the *Tribunal Oral en lo Criminal Federal No. 3*, Mesbahi said that Parvaresh’s role was to do a last minute check and to lay the psychological groundwork for individuals that were in the “Iranian centers". Mesbahi testified that Parvaresh was also Khamenei’s representative for these matters (p. 4.105/4.137 of file 204).

The Secretariat of Intelligence saw Parvaresh’s December 1993 entry into Argentina in a similar light, stating that the purpose of the trip was to carry out “a final evaluation of ongoing operations” (p. 136 of *Informe Internacional*).

The information we have summarized here does not allow us, for the moment, to establish the exact nature and scope of Parvaresh's role in the AMIA attack in a manner that would allow us to substantiate a formal accusation against him.

Former Iranian president Abolhassan Bani Sadr's reached the same conclusion on being shown the information concerning the case, stating that "it is not possible to verify this person's involvement in the attack, but given his profile he could have been involved" (p. 724/736 of file 209).

This observation goes to the heart of the matter. The characterization of Parvaresh's roles in the Iranian government, his ties with various sectors of the Iranian intelligence infrastructure, his trip to Argentina, as well as the contacts he had there with Mohsen Rabbani lead us to the same conclusion as that stated by the former Iranian president: Parvaresh has all the hallmarks of a person who could have been involved in the AMIA attack, and thus his trip to Argentina is suggestive.

However, in our view the evidence mentioned by the judge in his rulings of 9 August 1994 and 5 March 2003 (in addition to the evidence that has been added over the course of our investigation) is not sufficient to request that Parvaresh be captured for having possibly participated in the AMIA attack. We therefore request that the judge cancel the request for Parvaresh's capture that was issued via the prior ruling (p. 2.306/2.372).

i) The situation concerning Hadi Soleimanpour.

In our view, the same attitude should be adopted toward the former Iranian ambassador to Argentina, Hadi Soleimanpour. Our re-analysis of the evidence in the case has led us to the conclusion that despite some evidence that could raise suspicions of Soleimanpour's having played a role in the AMIA attack, this evidence is not sufficient to lodge a request for his capture.

Hadi Soleimanpour served as ambassador from 19 June 1991 to 16 August 1994, a fact that is borne out by reports from the Argentine Foreign Ministry (p. 1.202 and 1.217 of file 392).

Before describing Soleimanpour's diplomatic activities in Argentina, it is necessary to first summarize the information from the case concerning Soleimanpour as a person, as well as his career before he became ambassador to Argentina.

According to information from the Secretariat of Intelligence, Soleimanpour was born on 13 January 1956 in Isfahn, Iran, and has used the following aliases: Morteza Soleimanpour Nushbadi, Habib Soleimanpour, and Morteza Soleimanpour Nushbadi (the latter alias has been issued a passport, no 10720, with a different date of birth, namely 24 August 1960). Soleimanpour has two diplomatic passports: no. 008589 (issued in 1991) and no. A 0006686 (expired in 8 October 1998). Soleimanpour is married to Fatemeh Zarim Kamar Soleimanpour and they have two children, Saeideh (born in 1989) and Sajad (born in 1995).

Soleimanpour has earned the following academic degrees: mechanical engineering, from the University of Teheran; masters in sociology and international relations; and an honorary Ph.D.

from Centro de Estudios Internacionales de Madrid (p. 7/8 of the Annex "Embajada" in *Informe Internacional*).

According to intelligence sources, while the Shah was in power Soleimanpour planted a bomb at an Iranian university (report, p. 5.203/5.245, case 1627).

It is also known that Soleimanpour worked for the Iranian intelligence service and adhered to the radical line of the then-minister of intelligence Hussein Musawi. Soleimanpour was deputy director for Europe at the Iranian Foreign Ministry and held positions at the Iranian embassies in Australia and Austria. He then became head of the Latin American section at the Foreign Ministry, a post he held from 1989 until 1990, and in November of that year he became director of the Foreign Ministry's North America section (p. 7/8 of the Annex "Embajada" in *Informe Internacional*).

Abolghasem Mesbahi testified that Soleimanpour established a group of Khomeinists and students that participated actively in the takeover of the U.S. embassy in Teheran in 1981. Mesbahi also stated that during the occupation of said embassy and before going to work for the Foreign Ministry, Soleimanpour was a member of the Revolutionary Guard (p. 381/416 of file 204).

Mesbahi also stated that Soleimanpour is an excellent coordinator of various sections of the Iranian government. "He has very good relationships with all spheres of the regime. ...So he is very efficient when it comes to reformist ideas, and he maintains a good dialogue with the conservative and hard line elements." Mesbahi also said that "he doesn't say no to anyone and he's an opportunist" and that "a man in his position, working for the Foreign Ministry, would take a dim view of the realization of foreign operations in the region he's posted to. But in Soleimanpour's case, he's always managed to come to terms with coordinating all of the government's interests."

An Argentine government report (p. 1.387 (reverse) of file 392) comments that Soleimanpour is thought to have been involved in the illegal procurement of military equipment of U.S. origin. He is also thought to have been involved in Iranian government initiatives to obtain nuclear technology from Latin America (p. 79 in *Informe Internacional*).

Between 1985 and 1989, Soleimanpour worked as a diplomat in Spain, where he first held the position of chargé d'affaires, and then became ambassador. During this period, Soleimanpour was instructed by the Iranian government to take charge of the collaboration of a group of five residents of Spain with a view to providing Pasdaran with support in the event a reprisal action was carried out against the U.S. and Israel (intelligence report, p. 1.387 (reverse) of file 392).

The report also states that this group had the characteristics of a sleeper cell, and Soleimanpour was alleged to have been a specialist in this type of group (intelligenc report cited above, case 1627). This report also indicates that Soleimanpour used the cover of the Iranian news agency IRNA for his activities, a circumstance that appears to be validated by another report (p. 227/228 of file 204) entitled *Relative a diligencias llevadas a cabo en la República Federal de Alemania en relación con la recepción de la testimonial del testigo 'C'*",[62] and by the statements in this report (p. 3.446/3.461 (reverse) of file 204).

Another report (p. 1.449 (reverse) of file 392), which was mentioned above, states that as a diplomat in Spain, Soleimanpour, maintained contact with members of Hezbollah residing in Spain, a circumstance that is apparently confirmed by a report issued by the Madrid office of Interpol (p. 1.423 and 3.750 of file 392).

[62] ("Concerning reports carried out in Germany in connection with the testimony of witness C")

According to these various reports, contacts with members of Hezbollah were realized within the Iranian embassy in Spain and never outside the embassy, this being a security measure that Iranian diplomats began employing in 1984, when the office of Mártires de la Revolución Islámica [Martyrs of the Islamic Revolution] was dismantled (it had served as a repository for various arms, including rocket propelled grenades). These police actions resulted in the expulsion of various Iranian diplomats from Spain (p. 1.449 (reverse) of file 392).

In terms of Soleimanpour's activities in Spain, the testimony of Iranian Khosrow Imanian is of interest, since he worked at the Iranian consulate in Madrid during Soleimanpour's tenure there. Imanian indicated that he was aware that Soleimanpour and the group around him were committing irregularities. He explained the following in this regard: the standard procedure when an Iranian comes to the embassy to request a certificate of authenticity for his passport is for a message to be sent to the entity that issued the passport so as to verify the information in it. But the group around Soleimanpour didn't bother to check this information, and simply issued the certificate of authenticity even if the information in the passport did not match the person that was requesting the certificate.

The witness then said that the consul Reisy liked interfering with irregular practices; so they planted a bomb in his car, and Reisy was injured, ultimately leaving his job. As for why Soleimanpour left his position in Spain, Imanian stated that to the best of his knowledge Soleimanpour was expelled from Spain, and that this was because a group of persons that took orders from Soleimanpour had undertaken some activity or other that had incurred the Spanish

government's displeasure. Specifically, Imanian supposed that owing to Soleimanpour's radical ideas, he had realized some kind of activity against the defectors in Spain, which had resulted in his being expelled from the country (p. 2.170/2177 of case 1627). The Secretariat of Intelligence related this incident to the "sleeper cells," on account of which Soleimanpour, along with other Iranians, was "invited to leave the country" (p. 706/711 of file 313 *Relativo a los dichos del testigo* A).

Concerning the problems that Soleimanpour encountered during his tenure as ambassador to Spain, former deputy foreign minister Fernando Enrique Petrella explained that Soleimanpour exceeded the bounds of diplomatic endeavor by engaging in activities that had political overtones (p. 98.246/98.249).

According to Abolghasem Mesbahi (referring to Soleimanpour's tenure in Spain, where, Mesbahi said, he spent a week at Soleimanpour's home), Soleimanpour was expelled from Spain for spying. Specifically, Soleimanpour was suspected of having passed information to the Iranian Ministry of Intelligence. Mesbahi said in this regard: "Some ambassadors are pretty cooperative with the government (...) and this person was one of those. He's doesn't work for the Ministry of Intelligence... but he cooperates with this organization 100 percent"(testimony before the *Tribunal Oral en lo Criminal Federal No. 3*, p. 4.105/4.137 of file 204).

Soleimanpour arrived in Argentina on 2 June 1991 (p. 1.188/1.190 and 1.201 of file 392) and took up his duties as ambassador on 19 June of that same year (p. 1.202 of this file). Soleimanpour's predecessor Mohammed Medi Pourmohammadi left Argentina on 31 March 1991 (p. 1.188/1.190 of the aforementioned file). Soleimanpour lived in the apartment his predecessor

had occupied, which was located on Francisco Seguí15 ,4602 th floor, in Buenos Aires (p. 1.201 of file 392, corroborated by the embassy driver Juan Carlos Saucedo, p. 4.663/4.670 of case 1627). Soleimanpour later relocated to Gaspar Campos 1012 in the Vicente López disrict of Buenos Aires (p. 12.426 of case 1627, likewise corroborated by the driver Saucedo).

As for the activities Soleimanpour realized in Argentina in his capacity as ambassador, it is appropriate to mention first off his participation (as was the case with many other Iranian diplomats) in events whose main purpose was to spread propaganda concerning the ideas of the Iranian revolution. Thus we shall now describe the principal main activities of this type that were realized both during and prior to Soleimanpour's tenure as ambassador. These descriptions will show that these events reflected the official posture of the Iranian government (via the participation of the country's diplomats in such activities) i.e. strong opposition to the peace accords, anti-Israeli discourse calling for the destruction of the state of Israel, defense of the Palestinian cause, and support for extreme Islamic fundamentalism.

The celebration of the 14th anniversary of the triumph of the Islamic revolution was held at the Alhambra function room of the *Club Español de Buenos Aires* on 10 February 1993. According to information from the Secretariat of Intelligence (p. 5, folder 265), Soleimanpour spoke at the event before an audience of some 150 persons. After a reading from the Koran, Soleimanpour spoke about the revolution and praised its leader Ayatollah Khomeini as the spiritual and political leader of the Iranian people. Soleimanpour stated that he regarded the Russian and French revolutions as having been failures since they failed to eradicate social inequality. He characterized American and European consumerism as a perfidious cabal of this heritage, adding that Brazil and Argentina had

poverty stricken areas just a few kilometers away from affluent areas. He also said that this prosperity is false because it does not reach the people, and that in contrast to this, the revolution changed everything in Iran: delays have disappeared; and the colonialist system has been destroyed in the social, cultural and economic realms.

The following year, the anniversary celebration of the revolution was held on 10 February at the Gran Molino function room of Rivadavia 1815 in Buenos Aires, where Ambassador Soleimanpour was once again a speaker. The embassy's cultural attache was also present on this occasion, as well as lower ranking diplomats (p. 208/209 of folder no. 380 from the Secretariat of Intelligence).

Soleimanpour also participated, along with other diplomats, in the Islamic days festival in Buenos Aires, which was held on 12-13 August 1993 at the Centro Cultural Gral San Martin. During the event leaflets were handed out that expressed the At-Tauhid mosque's support for the Islamic organization Hamas. Proof of this was provided by the Secretariat of Intelligence in the form of a copy of one such leaflet (p. 4.626/4.627 of case 1627), which exhorted "Arab countries and the PLO to boycott the humiliating negotiations with the perverse and arrogant enemy".

On 4-5 June 1991, an event called *Seminario sobre el pensamiento del Imán Khomeini* (Seminar on the thought of Ayatollah Khomeini) was held at Centro Cultural Gral. San Martín under the auspices of the Cultural Bureau of the Iranian embassy. Approximately 250 persons attended the event each day, including the embassy's cultural attache Mohammed Abd Khodaee and other embassy officials (intelligence report, p. 5.203/5245 of case 1627).

Particularly noteworthy in this regard was the event realized on 11 April 1991 to celebrate Palestine Day, in whose regard information was provided by the former *Departamento de Protección del Orden Constitucional de la Policía Federal Argentina* (p. 2.938/3.180) and the Secretariat of Intelligence (p. 3.365 of main case). The diplomat Rahmatollah Bakthiari gave an approximately ten minute speech before some 50 persons, via the interpreter Ricardo Horacio "Samssudine" Elía, an Argentine who had ties to the Cultural Bureau.

In his speech, Bakthiari alluded to the liberation of the Palestinian people and commented on the necessity of fighting Israel to the bitter end. The speaker referred to Israel as a "cancerous tumor that must disappear from the face of the earth, and that we are going to do battle against the Israelis until the last drop of blood." Bakthiari was harshly critical of those who accept agreements with Israel that are driven by capitalists powers and indicated that the Palestinians can be liberated only if Israel is destroyed. Bakthiari also expressed his admiration for Khomeini, adding that four million Muslims say they are united: "Israel will be destroyed."

There were various posters on display at the event that said the following: "Palestine day – a public act of solidarity;" "Let's condemn Zionist, racists, and usurpist genocide by supporting the Islamic resistance of the Palestinian people;" "Palestine Day is the worldwide day of the struggle of the oppressed against the oppressors" – Iman Khomeini"; "Palestinians today only believe in the cry Allahu Akbar (God is great), which inspires them to resist fearlessly and with great heroism the savage attacks of the Zionists – Ayatollah Khomeini"; "The intifada will triumph – Islamic Argentine brothers."

Rahmatollah Bakthiari was Third Secretary of the Iranian embassy in Buenos Aires. He arrived in Argentina from Cuba on 29 September1989 and left his embassy job on 21 August 1991, i.e. when Soleimanpour became ambassador (intelligence report, p. 3.365, main case).

Ricardo Horacio "Samssudine" Elía testified that he only read a speech that the Iranian diplomat Bakthiari had previously delivered in Farsi, and that Bakthiari was ambassador at that time. The witness stated that “the speech was more appropriate for delivery in Iran or some other Islamic country, but not for a Western country...” (p. 884/895 of the file containing the testimony of Witness A.

We have now presented the information concerning this type of activity that was realized or sponsored by Iranian diplomats in Buenos Aires. As can be seen, such events exhibit the posture sponsored by the Iranian embassy in Buenos Aires, which was headed by Hadi Soleimanpour at the time.

In another matter, although perhaps also related to Soleimanpour’s activity as ambassador, it should be pointed out that from the outset of his tenure, Soleimanpour effected a change in the embassy’s internal procedures, including in connection with the handling of diplomatic mail. The evidence in the case indicates that the embassy’s Third Secretary Ahmad Reza Asghari was involved with the diplomatic mail as well. Asghari not only assumed his position right around the same time as Soleimanpour did his, but also was regarded as a highly influential person in the embassy and the ambassador’s right hand man.

This was corroborated by the following embassy employees: María Gabriela Iglesias (p. 13.892/13.895), Viviana Paula Maruffo (p. 13.649/13.653 and 13.708/13.713) and the driver Carlos Saucedo (p. 4.663/4.670 and 13.933/13.937, all from case 1627).

In this regard, Iglesias indicated that normally diplomatic mail was picked up at Ezeiza airport by embassy personnel such as the driver Saucedo – although he said that this changed upon the arrival in June 1991 of the Third Secretary of the embassy Ahmad Reza Asghari, who from that point on took sole charge of picking up the diplomatic mail and performed this task himself. Iglesias also talked about the major influence that Asghari had on the decisions that were made, and that he was regarded as the ambassador's right hand man. Iglesias indicated that at the time he testified he was unaware of the existence of individual diplomatic mail, since he had always thought that diplomatic mail referred to the diplomatic pouch (p. 13.892/13.895 of case 1627).

Saucedo said that he was the one who picked up the diplomatic mail during the time Mohammed Medi Pourmohammadi was ambassador, but that this changed when Soleimanpour arrived, because from that point on the diplomatic mail was picked up by an embassy official whom Saucedo drove to the airport. The witness also stated that the official in question could have been Asghari or Esmaeil Moulaee (p. 4.663/4.670 and 13.933/13.937 of case 1627).

Viviana Maruffo (who took over Iglesias's job at the embassy) said much the same as Iglesias concerning the fact that Asghari picked up the diplomatic mail. She also said that she had no knowledge of "person" mail rather than pouch mail (p. 13.649/13.653 and 13.708/13.713).

As we have seen, when Soleimanpour arrived, there was a change in the manner in which pouch or "person"[63] diplomatic mail arrived at the Iranian embassy in Buenos Aires. It can be inferred from this that the purpose of this change was to exercise strict control over (a) the confidential information that was arriving and being dispatched by the embassy, whether via pouch or "person" mail; and (b) the persons who took care of the aforementioned process.

This conclusion appears to be supported by the following: (a) Maruffo's testimony to the effect that when the mail pouch arrived, "they immediately brought it up to the third floor or sometimes to the ambassador's office on the second floor," which clearly shows the strictness of the control that was exercised over the diplomatic mail. (b) The testimony of the driver Saucedo to the effect that Soleimanpour did not want the embassy to employ Argentines, and that most of them were dismissed when Soleimanpour arrived.

The internal changes in embassy procedures that we have described up to this point – changes that were instituted on Soleimanpour's arrival – should be regarded as having been realized in order to achieve airtight security and secrecy concerning (a) the documents that were arriving at and being dispatched from the embassy; and (b) the persons that were carrying out these tasks.

Moving to another subject, the existence of ties between ambassador Soleimanpour and persons that worked for the "cover businesses" has been verified.

Noteworthy in this regard are Soleimanpour's ties to Mohammed Reza Javadi-Nia, who was vice president of Imanco (p. 3.571/3.589). This connection is corroborated by intelligence information indicating that Javadi-Nia was a taxi driver in Buenos Aires and on a number of occasions drive

[63] Translator's note: What is meant, here and elsewhere, are messages carried by persons, as opposed to be being transmitted in pouches.

Soleimanpour's car (p. 147/154 of the concerning the testimony of Witness A). This takes on relevance in light of the fact that the two men had diplomatic destinations in Madrid as a result of Javadi-Nia having worked at the Iranian embassies in Belgium, Spain, Colombia and Brazil between 1985 and 1987.[64]

Another director of Imanco (who was also an employee of GTC) with whom it has been established Soleimanpour had ties was Mehdi Bizari, who testified that in addition to the aforementioned position, he also worked for the Iranian news agency IRNA and did translation work for both the embassy and the Cultural Bureau. He also explained how he became acquainted with Soleimanpour and how he was recommended to him for the embassy job (p. 2.202/2.209 (reverse) of case 1627).

Concerning Bizari's work duties for IRNA, a particularity of Bizari's coverage of the AMIA attack is noteworthy here, since it was mentioned by Bizari and Witness A. What happened was this: as a result of Bizari having reported that Iran was involved in the AMIA attack, the Iranian diplomatic corps became so upset with Bizari that, according to Witness A, Soleimanpour told Bizari never to set foot in the embassy again (testimony of 27 September 1994).

Another connection that should be mentioned between Soleimanpour and directors or employees of the cover businesses is the relationship Soleimanpour had with Seyed Jamal Youssefi, who worked as a representative for GTC (testimony by Mohsen Pazoki, p. 4.562/4.565 of case 1627; and intelligence report, p. 3.083/3.084 (reverse) of file 392). The same conclusion is suggested by

[64] Translator's note: *sic* in the Spanish; the sentence does not make sense.

Viviana Maruffo's testimony to the effect that Youssefi was a regular fixture at the embassy, where he was on friendly terms with various diplomats.

Additional revealing information concerning Soleimanpour's relationships in Argentina concerns the Spanish national Emilio Javier Iglesias Pérez. Information gathered in the case indicates that in the 1970s Perez was a representative of the Spanish branch of JONS (Junta Ofensiva Nacional Sindicalista), an organization that had close ties with the political party of the Franco regime in Spain (p. 54/58 and 62/66 of file 152 and p. 5.203/5.245 of case 1627). Perez had also known Soleimanpour in Spain, where he was chargé d'affaires.

Perez continued his political activities in Argentina in the Unión de Inquilinos Peronistas, whose main activity consisted of taking over abandoned buildings and moving indigent families into them. The organization later changed its name to Unión de los Sin Techo (UST) [Association of the Homeless]. Perez was a driver and security officer for the Iranian embassy in Buenos Aires for 12 months, possibly in 1991. He was killed on 5 September 1996, along with other individuals, in a clash with police during an attempted holdup of an armored truck (p. 5.203/5.245 of case 1627). This relationship, although it does not reveal specific contacts or connections with Soleimanpour, is nevertheless striking by virtue of how completely unrelated it is to the work of a diplomat.

Soleimanpour also maintained a close relationship with Mohsen Rabbani, whose influence on the Iranian embassy in Buenos Aires was mentioned by the former Cultural Bureau drivers César Gabriel Duarte (p. 3.675/3.678, 3.680/3.688 (reverse) and 3.689/3.690 (reverse)) and Jorge Giani (p. 14.273/14.278), the former embassy drivers Iran Ornar Alberto Cuello (p. 4.679/4.683), Ricardo Atilio Repetto (p. 4.684/4.693) and Juan Carlos Saucedo, the former embassy employees María

Gabriela Iglesias and Viviana Paula Maruffo, and the witnesses Carlos Moreno (p. 2.489/2.495), Khosrow Imanian (p. 2.170/2.177 and 2.210/2.222, all from case 1627), as well as Alfredo Miguel Barcia (p. 633/640 (reverse)) and Roberto Rubén Medina (p. 1.303/1.308 (reverse), file 251).

César Gabriel Duarte testified that every Thursday from 8 p.m. to about midnight, he drove Rabbani to the At-Tauhid mosque, where Duarte waited for Rabbani while he attended meetings that were also attended by various individuals and diplomats who worked at the embassy and the Cultural Bureau. Duarte also stated that Soleimanpour and a person by the name of Asghari were also present at these meetings. The former Cultural Bureau driver Jorge Giani said much the same.

Ornar Alberto Cuello testified that Soleimanpour paid visits to the embassy's Cultural Bureau. Cuello also stated that politicians and clerics from various countries such as Chile, Brazil and Iran sometimes visited the Cultural Bureau as well, and that these individuals stayed at the embassy or at the At-Tauhid mosque. María Gabriela Iglesias testified that Rabbani visited the embassy nearly every day to speak with diplomats that worked there. Iglesias also stated that Rabbani received preferential treatment at the embassy and had access to all parts of the building.

Viviana Paula Maruffo's testimony corroborated this. She stated that the embassy staff exhibited a reverential attitude toward Rabbani. The ambassador's driver Juan Carlos Saucedo testified that he drove Soleimanpour to the At-Tauhid mosque once a week, and that the ties with the mosque became closer after Soleimanpour arrived. Saucedo also testified that Rabbani visited the Iranian embassy every day, and this was corroborated by the former Cultural Bureau driver Juan Carlos Moreno.

Alfredo Miguel Barcia and the head of the Al Iman mosque Roberto Rubén Medina both testified that Rabbani and Soleimanpour attended various events at the mosque in 1993 and 1994.

Kliosrow Imanian testified that Soleimanpour, Mehdí Bizari and Mohammed Reza Javadi-Nia shared Mohsen Rabbani's radical ideas and that they teamed up with him on business deals in the hope of earning a profit. Abolghasem Mesbahi was even more categorical with regard to the relationship between Soleimanpour and Rabbani, saying that "they had the same mentality, they got along very well with each other, had a wide ranging relationship and spent a lot of time together" (testimony before the *Tribunal Oral en lo Criminal Federal No. 3*, p. 4.105/4.137 of file 204).

Turning now to the analysis of phone calls, the statements made by the Secretariat of Intelligence ("Inteligencia Iraní" Annex, p. 17-18 of the Secretariat of Intelligence's *Informe Internacional*) contain strong indications that an Iranian intelligence service that operated out of the Iranian embassy in Buenos Aires had been established.

The document states that there was a branch of the Iranian intelligence office known as Department 240 in the Iranian Foreign Ministry. This office acted as a liaison between Vevak and the Foreign Ministry, and its function was to coordinate the activities of intelligence agents who were posted abroad under diplomatic cover. Moreover, the calls to Department 240 were covered up by placing calls to the ministry switchboard. The report describes the method that was used to cover up these calls, and in this regard indicates that the various offices of the Foreign Ministry had an internal phone system that continously dialed the switchboard number. When this extension was missing, the call was connected to its final destination by the operator who was waiting for the call.

This avoided any record being made of the call to the destination extension, and allowed for triangulation of the calls placed to Department 240.

The report states that the Iranian embassy in Buenos Aires used this same technique from 16 March 1992 until 6 July 1994 to make calls to Department 240 at the Iranian Foreign Ministry (p. 17/18 of the aforementioned report).

The report also indicates that calls were made to Department 240 from Hadi Soleimanpour's cell phone on 10 March, 22 September, and 7 and 10 October 1992; from the ambassador's residence on 10 October 1992; and from a pay phone on 16 August 1994.

Certain characteristics of these phone calls are noteworthy. On 6 July 1994 Soleimanpour was no longer exercising his functions as ambassador at the Iranian embassy in Buenos Aires. The ambassador at that time was Ahmad Reza Asghari, who left Argentina two days later, purportedly on account of family problems (p. 17/18 of the Annex "Inteligencia Iraní" in *Informe Internacional* and 2.797 of file 392). Moreover, the final call that was placed to Department 240 originated from a pay phone, and the call was placed on 16 August 1994, the day Soleimanpour left Argentina. There are no further records of phone calls having been placed to Department 240 after that date.

It did not escape our attention that the assertions in the Secretariat of Intelligence's report concerning the aforementioned phone calls to Department 240 were not substantiated by the then-phone company Telintar's phone records (p. 4.917 of file 204). However, the report states that only the records for January 1993 through May 1998 were searched, which means that all of the phone calls mentioned in the intelligence report were not covered by the search. Consequently (and

notwithstanding that in the main cases, the judge admitted as evidence the international phone records from 1991 onward, which provides more solid substantiation of the aforementioned intelligence report), this information should not be disregarded, and will be analyzed and validated to an appropriate extent in the context of the remaining elements of proof that were included in the investigation.

Another circumstance indicating that Iranian government authorities had devised a plan to carry out the AMIA attack features Soleimanpour as a protagonist this time, along with other Iranian ambassadors in the proximate region. For in point of fact, neither Soleimanpour nor the Iranian ambassadors to Chile or Uruguay were on the job at their respective embassies at the time of the bombing.

However, before we describe the verified movements of these individuals and the consequent line of argument in each instance, we will provide some relevant background information concerning these ambassadors.

Hamid Reza Hosseini was Iranian ambassador to Chile from 10 November 1993 to 25 September 1996 (p. 2.198/2.199 of file 392). The foreign affairs department of the *Policía de Investigaciones de Chile* indicated that Hosseini was “a hard line ideologue who was probably involved in the occupation of the American embassy in Teheran in 1979, and possibly had ties to Iranian president Ali Akbar Hashemi-Rafsanjani. Hosseini was expelled from New York (where he had been member of the Iranian mission to the UN) for his involvement in intelligence activities. In the past he had made proactive efforts to acquire arms and technology. He was probably a member of the Revolutionary Guard for a brief period" (p. 2.190/2.192 of file 392).

Mohammed Ali Sarmadi Rad was ambassador to Uruguay from 24 September 2993 to 22 September 1997 (p. 1.719 of file 392). He participated in the occupation of the Iranian embassy in San Francisco and Washington D.C. during the 1979 Iranian revolution. He was identified as an intelligence official owing to his activities in Turkey, whose main purpose was to export the Iranian revolution (p. 14 of the Secretariat of Intelligence's folder no. 363). A more complete picture of Sarmadi Rad's ideological leanings emerges from an interview with him on the Uruguayan radio station Sarandí on 17 May 1995, at which time Sarmadi Rad indicated that Hezbollah is a Lebanese political party that is fighting to liberate its country from Israeli occupation. He further stated that Iran was providing Hezbollah with political and financial support, giving as examples of this the support that was provided to the family of martyrs, and for road and hospital construction.

Returning now to the matter of the absence of the ambassadors from their various embassies on the day of the AMIA attack, it is significant with regard to Soleimanpour that a note from the Iranian embassy on 30 June 1994 stated that the ambassador would be going on a four week vacation beginning on 2 July (p. 1.213 of file 392). The relevant immigration document on file in our offices and the information provided by the *Dirección Nacional de Migraciones* (p. 988 of file 406) establish the fact that on 30 June 1994, Soleimanpour left Argentina via Aerolíneas Argentinas flight AR316 to Miami, and returned on 25 July of that year (of which more later).

On 17 July 1994, i.e. the day before the AMIA attack, the Iranian ambassador to Chile, Hamid Reza Hosseini, boarded Lufthansa flight 527 from Santiago to Frankfurt (p. 4.120 of file 392). Suggestively, Mohammed Ali Sarmadi Rad, the Iranian ambassador to Uruguay, then boarded this same flight in Buenos Aires. In this regard, although the passenger list for this flight is not available

owing to the impossibility of obtaining it (p. 1.759 of file 392), cable CD EURUG 050555/1994 from the Argentine embassy in Uruguay (p. 2.296 of file 392) and the information provided by the Dirección Nacional de Migración of Uruguay (p. 3.506) substantiates this fact. According to Argentine intelligence information, Sarmadi Rad indicated that this trip was taken for purposes of a vacation (p. 1.959 of file 392).

Another relevant fact with regard to Sarmadi Rad is his trip to Argentina, for an official mission, shortly before the bombing of the Israeli embassy. In this regard, we have the visa application dated 29 January 1992 that was submitted to the Argentine embassy in Teheran, and the document issued the following day indicating that the visa had been issued (p. 1.810 and 1.811 of file 392). In the context described in the present ruling[65] with respect to the purpose of Iranian diplomats' trips abroad, it should be noted that Sarmadi Rad made his trip in order to finalize coordination and preparation activities for the attack on the Israeli embassy in Buenos Aires, which occurred on 17 March 1992 – a date that was close to the aforementioned trip.

As for Hadi Soleimanpour, although he claimed that he was going on vacation (the same claim that was made by his counterpart in Uruguay, Mohammed Sarmadi Rad), this assertion appears to be completely discredited by the testimony of Reza Zakeri Kouchaksaraee to the effect that Soleimanpour went to Teheran to attend an ambassadors' meeting, but returned to Argentina the following day without having attending the meeting, a circumstance the witness found "most surprising" (p. 844/855 of file 209).

[65] Translator's note: *sic* in the Spanish, which does not specify which ruling is meant.

Hadi Roshanravani spoke in identical terms, stating that at the time of the AMIA attack, Soleimanpour was in Iran attending an ambassadors' meeting, and that once the attack had been carried out, he was instructed to return to Argentina immediately in order to handle the political situation there (p. 129/136 of file 209).

The testimony of Ali Reza Ahmadi and Hamid Reza Eshagi concerning the *Mujahidins del Pueblo* group is relevant in this regard, since both witnesses stated that they found it strange that Soleimanpour went to Iran for a meeting with "Velayati" and then returned to Argentina (p. 502/507 (reverse) of file 313).

Hence on one hand, it appears that the ambassadors in the proximate region were involved in intelligence operations; but at the same time, it has been verified that during the period leading up to the AMIA attack, none of these ambassadors were on duty at their embassies. All of this indicates that the trips by these ambassadors (including in connection with the ambassadors' meeting that is thought to have been held in Teheran and that various witnesses alluded to) could only have been planned as one more element in the chain of events that was orchestrated by the leaders of the Iranian government with a view to carrying out the AMIA bombing.

Soleimanpour returned to Argentina one week prior to the attack, i.e. on 25 July 1994 (the relevant immigration document is on file in our offices), and resigned from his job and definitively left Argentina on 16 August of that same year (p. 1.217 of file 392).

In view of the circumstances that we have described up to this point, it seems reasonable to suppose that the activities realized by Hadi Soleimanpour in Argentina were more than just

diplomatic in nature. Indeed, all indications are that Soleimanpour played a relevant role in carrying out the intelligence activities that the Teheran regime conducted in Argentina. This is indicated not only by Soleimanpour's past activities in Spain (described above), but also by the calls he placed to Department 240; the changes in the diplomatic mail handling procedure at the embassy; and Soleimanpour's close ties with other operatives in the Iranian intelligence infrastructure that we have described elsewhere in the present report. Moreover, given the fundamental importance of diplomatic legations for the operation of the Iranian intelligence service, it would be illogical to presume that the ambassador himself had nothing whatsoever to with the aforementioned espionage activities.

Taking this line of reasoning a bit further, it is not unreasonable to suppose that Soleimanpour knew that something was in the works – a hypothesis that is supported by the following elements, among others: his being summoned, along with his colleagues in Chile and Uruguay, to a hastily called meeting in the days leading up to the bombing; the abrupt departure from Argentina by the embassy's Third Secretary Ahmad Asghri; and the extremely unusual comings and goings of diplomatic couriers during the six weeks leading up to the attack. Be this as it may, one thing is certain: it is simply not possible that Soleimanpour provided no concrete support for the AMIA attack. For it is one thing to know of and suspect the possible commission of a crime; but it is quite another thing to have played a role in its execution.

The case of the embassy's cultural attache Mohsen Rabbani is quite different, inasmuch as he was photographed in the act of shopping for a vehicle similar to the one that was used in the AMIA bombing; and moreover, as we shall see shortly and in detail, he made a call from his cell phone only minutes after the car bomb had been successfully parked in a parking lot that was in close proximity to the target (and these are only a few of the many pieces of incriminating evidence in his

regard). And the same holds true for Asghari, whom various witnesses indicated was a participant in the meeting where the highest officials of the then-government of Iran decided to carry out the attack.

None of this occurred in Soleimanpour's case. Thus, apart from any results that may emerge from the investigation that is currently ongoing, at present the evidence concerning Soleimanpour, although it does cast a certain amount of suspicion on him, is not sufficient to justify the issuance of a request for his capture. We therefore ask the Court to cancel the writ at p. 110.469/110.481.

j) Ahmad Reza Asghari or Mohsen Randjbaran.

Asghari was third secretary of the Iranian embassy in Buenos Aires from 11 July 1991 to 23 July 1994.

The information in the case has established that Asghari was born on 11 July 1961 in Aligodarz, Iran, and that he is married to Zhara Asghari (p. 2.581). According to intelligence reports, before becoming a diplomat, Asghari was a member of the Revolutionary Guard (Pasdaran), and an alumnus of the Iman Ali military Academy in Teheran, where Pasdaran officials, members of the Al Quds force, Revolutionary Guard intelligence agents and Ministry of Information personnel are trained. Following this, he joined Pasdaran (report from the German intelligence service, p. 863/864 of file 392 and article entitled "Hizbollah's Command Leadership: Its Structure, Decision-making and Relationship with Iranian Clergy and Institutions", Terrorism and Political Violence vol. 6, no .3, (Autumn 1994), p. 2.929/2.961 of file 263).

Abolghasem Mesbahi recognized Asghari from a photo although he said that his real name was Mohsen Randjbaran and that he was a deputy director of the Pasdaran cover business Iran Taha (p. 3.448/3.461 (reverse) and 381/416 of file 204). Mesbahi also indicated that Asghari was a general in the Revolutionary Guard (testimony before the *Tribunal Oral en lo Criminal Federal No. 3*, p. 4.105/4.137 of file 204).

With regard to Asghari's diplomatic activities prior to his arrival in Argentina, the Iranian defectors Ahmadi and Eshagi stated that in 1991, prior to being posted to Argentina, Asghari worked at the Iranian consulate in Frankfurt (p. 502/507 (reverse) of file 313).

Asghari's involvement in the AMIA attack is clearly indicated by his participation in the August 1993 Committee for Special Operations meeting where the decision was made to realize the AMIA attack. It should be noted that Asghari (along with Mohsen Rabbani) was expressly called back from Argentina to attend the meeting. The reason for this was not only Asghari's experience as an intelligent agent and a Pasdaran official, but also and above all, the information he had concerning the "target" that had been selected, and the important position he occupied in the Iranian intelligence infrastructure that had been established in Argentina. Asghari had a lot of say in the decisions that were made at the Iranian embassy, and he was regarded as ambassador Soleimanpour's right hand man.

Abolghasem Mesbahi provided valuable information in this regard, stating that the reason for the presence of Asghari and Rabbani at the Committee for Special Operations meeting was to validate the information concerning the target that had been selected (p. 3.448/3.461 (reverse) of file 204).

The Iranian defectors Ahmadi and Eshagi also confirmed this by indicating that during the meeting where the decision was made to carry out the attack in Argentina, it was determined that Asghari would be in charge of implementing the attack by activating the "sleeper cells" (p. 502/507 (reverse) of file 313).

In this regard, the Argentine intelligence service indicated that at the end of the meeting where the decision was made to carry out the attack, it was decided that Fallahijan would be in charge of the operation, that Asghari would be in charge of implementing and activating the clandestine networks, and that Rabbani would assume responsibility for the logistics of the operation (p. 128 in *Informe Internacional*).

Moreover, the circumstance that was alluded to by the witnesses with regard to Asghari's participation in the meeting where the decision was made to carry out the attack, appears to be substantiated by an examination of the immigration records concerning Asghari. According to these records, Asghari left Argentina on 21 June 1993 for Iran (according to the *Informe Internacional* issued by the Secretariat of Intelligence) and returned on 23 August, i.e. nine days following the 14 August Committee for Special Operations meeting where the decision was made to carry out the AMIA attack.

Hence we see that the activities realized by Asghari in Argentina substantiate the assertions made above, since it can be inferred from said activities that their purpose was to provide support for the activities of the intelligence network and to carry out the instructions that Asghari had been given during the aforementioned Committee for Special Operations meeting. And above all, said activities reinforce the suspicion that Asghari was involved in the AMIA bombing.

Having been accredited as a diplomat in Argentina on 11 July 1991, Asghari took up his duties as Third Secretary at the Iranian embassy in Buenos Aires (p. 2.579). It should be noted that Hadi Soleimanpour began his tenure as ambassador within a relatively short time of the date when Asghari began his job (p.1202 of file 392), whereupon Asghari became one of Soleimanpour's closest collaborators.

The previous section described the close connection between Soleimanpour and Asghari at the embassy; the fact that Asghari had a major say in the decisions that were made at the embassy (this latter assertion was based on testimony by embassy personnel); and that Asghari was one of Soleimanpour's closest confidants.

Concerning the duties Asghari performed at the embassy, the Secretariat of Intelligence indicated that Asghari acted as coordinator for the meetings held by Soleimanpour and other embassy officials (p. 5.813/5.867 of case 1627).

Nonetheless, a striking particularity concerning Asghari's role at the embassy emerges from testimony by embassy secretaries María Gabriela Iglesias and Viviana Paula Maruffo to the effect that from the outset, Asghari became the sole person who picked up the diplomatic mail at Ezeiza airport, a task that heretofore had been realized by the embassy's drivers (p. 13.892/13.895, 13.649/13.653 and 13.708/13.713 of case 1627). This was corroborated by one of the drivers, Juan Carlos Saucedo (p. 4.663/4.670 of case 1627).

The change that was realized in this regard – and which came to represent the implementation of "person" mail in lieu of classic "pouch" mail – raised concerns among embassy personnel. They became even more concerned on learning that Asghari, Ambassador Soleimanpour, and the chargé d'affaires Gholamreza Zangeneh were the only persons that had access to the telex machine that the various Iranian embassies used to communicate with Iran (testimony by former embassy driver Ricardo Atilio Repetto, p. 295/304 (reverse) of file 199).

This appears to be confirmed by the report issued by the All-Party Parliamentary Group on Human Rights of the British parliament, whose section on terrorist assassinations committed by Iranian agents abroad indicates that one of the characteristics of this type of operation is that "the Iranian embassy in the destination country is notified, whereupon the action groups make contact with certain individuals inside the embassy who then send and receive the messages" (p. 1.919/1.982 of file 204).

What occurred in the Iranian embassy in Buenos Aires can only be interpreted as an effort to tighten the security of incoming and outgoing communication and documentation. And in this context, it cannot be ruled out that said documentation contained information concerning the intelligence activities whose base was constituted by the embassy.

This conclusion appears to be borne out by the testimony of Abolghasem Mesbahi and Witness A (p. 4.105/4.137 of file 204, as well as testimony on 28 September 1994, respectively), both of whom indicated that diplomatic couriers were necessary in order to transmit a substantial amount of information that could not be sent securely by any other means, and that this modality was used in order to provide optimally tight security for the perpetrators of the attack.

It is against this backdrop that the former embassy secretary Maruffo's statement to the effect that she did not know what Asghari's duties were and that he had never asked her to perform any specific task should be understood (p. 13.649/13.753 of case 1627).

Related to the above – and even more so in relation to the support provided by the Iranian embassy in Buenos Aires for realization of the AMIA attack – is Mesbahi's testimony to the effect that what was involved was a coordination task realized chiefly by Asghari (as stated above, on being shown a photo of Asghari, Mesbahi indicated that his real name was Mohsen Randjbaran) and Soleimanpour (testimony before the *Tribunal Oral en lo Criminal Federal No. 3*, p. 4.105/4.137 of file 204).

In another matter, and concerning Asghari's personal ties in Argentina, his relationship with Hossein Parsa is of particular interest. The information gathered in the case indicates that Parsa worked for one of the cover businesses (p. 12.664/12.670 of case 1627). Asghari was a witness for Parsa's apartment rental agreement (which was signed at the embassy in March 1994) for the apartment at calle Carlos Pellegrini 1089, 6th floor C in Buenos Aires. In describing the nature of the "intelligence service" that the Iranian government established in Argentina, the particularities of this apartment and the verified phone calls that were placed from there have been investigated; and particularly noteworthy in this regard is the phone call made by Mohsen Rabbani, as well as those placed to phone numbers attributed to the Iranian Ministry of Reconstruction, one of which was made only a few hours prior to the AMIA attack.

Another element that undoubtedly sheds light on Asghari's activities concerns the highly suggestive phone call (reported by the Secretariat of Intelligence) that was realized from the

embassy on 6 July 1994 to the Iranian Foreign Ministry switchboard. In discussing Hadi Soleimanpour's situation in the previous section, we described how records of such calls were avoided through the use of a satellite office of the Iranian intelligence service in the Iranian Foreign Ministry. And with regard to the matter under discussion here, Asghari must surely have been aware that the aforementioned call had been placed, given the fact that (a) Soleimanpour was not in Argentina at the time it was made (according to the relevant immigration document, he had left Argentina on 30 June); and (b) according to Iglesias's testimony, Asghari was Soleimanpour's closest collaborator and had a major say in the decisions Soleimanpour made

The suspicions concerning Asghari according to the evidence in the case are also strengthened by the circumstances surrounding Asghari's departure from Argentina, which (according to Argentine immigration records) occurred on 8 July 1994 via Alitalia flight AZ573 to Rome. Asghari's departure was so hurried that the Iranian embassy neglected to report the exact date on which he officially relinquished his duties, with the result that the Argentine Foreign Ministry had no choice but to use the date on which his trip was reported (23 July) as the aforementioned official date (p. 2.578 and 2.584). And Asghari's abrupt departure is rendered even more suggestive by the fact that he was slated to remain at the embassy until October 1994 and that his return ticket for that month had been issued in May of 1994 (intelligence report, p. 106.265/106.468).

Also significant in this regard is the fact that Asghari was not the only diplomatic official who left Argentina shortly before the AMIA attack, for (as noted in the relevant sections of the present report) neither Ambassador Soleimanpour, nor Ambassador Hosseini in Chile nor Ambassador Sarmadi Rad in Uruguay on duty in their respective embassies on the aforementioned date.

As we have seen in the present report, this can only be interpreted as a premeditated action on the part of the Iranian government for purposes of carrying out the AMIA attack; a conclusion that is strengthened by terrorism expert Kenneth Timmerman's reasoning to the effect that this "shows that they knew in advance that the attack was going to occur" (p. 76/80 of file 352).

Concerning Ahmad Reza Asghari's legal situation, the following should be mentioned: (a) a national and international request for his capture was issued on 13 August 2003 (p. 110.469/110.481); (b) Asghari's situation was included in the decision adopted on 21 September 2005 by the Interpol general assembly, with the result that the red alert concerning Asghari was cancelled by Interpol Argentina (OCN Buenos Aires) (see in this regard the proceedings in file 18.905/05 at the Argentine Foreign Ministry).

Having considered these matters and having re-analyzed the evidence that has been gathered in the case, we feel that it has been adequately established that Ahmad Reza Asghari or Mohsen Randjbaran participated in the AMIA attack, and we therefore ask the Court to issue a national and international request for his capture.

The main factor that should be considered in this regard is Asghari's participation in the Committee for Special Operations meeting where the decision was made to carry out the AMIA attack (an event substantiated by a number of witnesses) and where Asghari was instructed to carry out said objective. Moreover, Asghari was expressly called back from Buenos Aires (along with Rabbani) to attend the meeting, a fact that clearly indicates Asghari's importance in the Iranian intelligence service that was operating in Buenos Aires.

In addition, the suspicions concerning Asghari are strengthened by the fact that he personally and exclusively handled the diplomatic mail for the Iranian embassy in Buenos Aires, which is

suspected of having served as a facility for secure handling of documentation related to intelligence activities.

This conclusion is also supported by Asghari's major influence on decisions that were made in the embassy (which is thought to have served as a base for an "intelligence service" established by the Iranian government in Argentina), and by his close relationship with Ambassador Soleimanpour, whose right hand man he is thought to have been.

Also relevant in regard to this point (and in connection with the embassy's use as a local base for Iranian intelligence) is the information provided by the Secretariat of Intelligence to the effect that on a date shortly prior to the attack, a call was placed from the Iranian embassy in Buenos Aires to an Iranian intelligence office located at the Iranian Foreign Ministry; an event that is even more relevant given the fact that the ambassador was absent at the time of the call and that Asghari cannot possibly be regarded as having been uninvolved in it.

The final factors that must be taken into consideration here are Asghari's abrupt departure from Argentina on a date shortly prior to the attack and coterminous with the absence of the other ambassadors in the proximate region; and the unusual comings and going of diplomatic couriers, which can only be interpreted as an orchestrated action by the Iranian government aimed at achieving its ultimate objective of bombing AMIA.

In short, there appears to be sufficient evidence of the role played by Asghari as a participant in the decision to carry out the AMIA bombing, and as an element of the intelligence infrastructure that was based at the Iranian embassy in Buenos Aires, and which culminated in the attack of 18

July. The foregoing factors, in conjunction with the remaining evidence described in the present report, call for the issuance of a new national and international request for the capture of Ahmad Reza Asghari or Mohsen Randjbaran.

k) The Iranian national **Mohsen Rabbani** played a distinct role in the overall context of the operation that culminated in the attack of 18 July 1994. The evidence gathered in the course of the investigation of the crime has enabled us to identify Rabbani, with the requisite degree of certainty, as a principal figure in the preparations for and execution of the AMIA attack.

We have been able to determine that Iranian intelligence activities in Argentina, which were coordinated by Rabbani, contributed to the decision to realize the attack in Argentina, which was selected from among a series of "targets on file" that had been proposed previously. Moreover, the evidence gathered in the case (which shall be described presently) indicates that Rabbani played a proactive role in provisioning the local logistics for the attack.

In order to establish the relevant factual framework, it is necessary to first describe the chronology of the time Rabbani spent in Argentina. We will begin with a general description of Rabbani and will include in our analysis the various activities realized by him from the time of his arrival in Argentina as a purported commercial representative; his transformation into a religious personality who was extremely well known in the local Islamic community; and finally – shortly before the AMIA attack – his being named cultural attache of the Iranian embassy in Buenos Aires, an appointment that granted him diplomatic immunity.

After studying at the school of Ayatollah Milani in Mashad, Mohsen Rabbani went to the city of Qom to do graduate work. According to information from the Secretariat of Intelligence, Argentina was the first foreign country that Rabbani ever visited (p. 19.976/20.011 of the "Embassy" case).

It should be noted that the holy city of Qom – which is also the birthplace of Ayatollah Khomeini – is located 120 kilometers south of Teheran (see the article excerpted at p. 4.552/4.554 of file 26) and is the leading center for Shiite studies (David Waines op. cit, p. 298). It is also the institution where prominent representatives of Hezbollah received their religious training, as did sheik Subhi al-Tufayli and the spokesperson of the Sayyid Ibrahim al-Amin organization (Walter Reich, op. cit., p. 151-152).

The National Council of Iranian resistance indicated that there is a "World Center for the Islamic Sciences" in Qom (p. 48/58 of file 272); and, as pointed out by Roberto Rubén Medina (who Rabbani appointed as head of an Argentina mosque), the city is also home to Iman Jomeini University, which is the training institution for all sheiks in Iran (p. 1.303/1.308 (reverse) of file 251).

Qom is also the center of operations for the Quds Force, via a university called Beit lo-Moqaddas, which is known as the Training Center of the Melal Nations, owing to the fact that the center's recruits come from various countries. The ideology courses offered by the university are quite different from those available at Qom's traditional seminaries (Mohammed Mohaddessin, op. cit., p. 2.143/2.343 of file 209).

This background information allows for a clearer understanding of the various elements of proof in the case that allow us to characterize Mohsen Rabbani as a diehard defender of the most radical precepts of the Islamic revolution: Islam must manifest itself to the entire world, including the use of violence if necessary.

As an extremely charismatic person who was also very cultured and fluent in a number of languages (according to intelligence reports that are part of the case), during his time in Argentina

Rabbani swiftly established a propaganda apparatus that enabled him to disseminate the aforementioned precepts.

Rabbani mainly pursued the aforementioned goal through his access to the following mosques: At-Tauhid, with which he was very closely associated and had a great deal of influence over, even before becoming its leader; and the mosques in Cañuelas and San Miguel de Tucumán, to whose members Rabbani had unlimited access through individuals with whom he was on familiar terms and trusted him. The other means used by Rabbani to propagate radical Islamic ideology in Argentina were radio, newspapers, and organizing events that were associated with these entities.

Nasser Rashmany (an Iranian national who indicated that he worked for the civil police in Teheran from 1975 to 1978; he then left this organization to join the 1979 Iranian revolution, but was persecuted by the government that took power after the revolution and ultimately relocated to Argentina) stated that he go to know Rabbani through the mosque, and described him as a cleric politician who led prayers at the mosque. Although Rabbani was a religious leader, his actions were not always typical of a person in this position, since his sermons tended to have a strong political bent; he even went as far as to express his views on the Middle East conflict and tacitly supported Hezbollah's position. Rashmany also stated that in his opinion, although Rabbani came to Argentina as a cleric, he had different aims in mind that were closer to the economic and political realm (p. 1.006/1.015 of file 71).

In a similar vein, Eduardo Ricardo Lescano (converted to Islam in 1984; a member of the Sunni mosque at Alberdi 1541 and of the Shiite At-Tauhid mosque; worked for the Iranian Cultural Bureau from 1990 to 1991) stated that Rabbani oftentimes did things that went beyond the scope of

this religious activities, and that had much more to do with the economic and political spheres. He also stated that Rabbani's religious activities "were a mask," and that his interest in political and economic affairs was motivated by the desire to obtain economic benefits, examples of this being the various actions he was involved in where the Iranian revolution was praised and Zionism was condemned. Lescano, who indicated that he disagreed with the Shiites' interpretation of the Koran, said that they believed that the use of violence was justified for a religious cause (p. 3.945/3.950 of case 1627)

The testimony of Iranian national Khosrow Imanian is also relevant in this regard. He stated that he joined the Iranian army at age 19, during the Iranian revolution, and that he then joined a group that assisted the city of Arak during the Iran-Iraq war. He came to Argentina in 1987 to work as an administrator at the Iranian embassy in Buenos Aires, a position he held until 1988. His testimony confirmed that Rabbani had an ideological profile that was consistent with his having come to Argentina in order to determine whether the Iranian revolution could be exported here.

According to Imanian, he got to know Rabbani at the mosque shortly after arriving in Argentina, and indicated that Rabbani referred to himself as the representative of Montazeri (a religious official that was head of a terrorist group); that Rabbani was in charge of appointing ayatollahs and religious officials in Iran (p. 2.265/2.265 (reverse) and 2.217 of case 1627); and that he had doctrinal differences with another cleric at the mosque named M'ualimi, whom Rabbani ultimately dismissed.

Imanian indicated that in 1990, three students at the mosque (Mohammed Ali, Sergio and Mostafa) told him that Rabbani had told them on a number of occasions that they should export the revolution and that "we are all Hezbollah." In Imanian's view, this was Rabbani's way of conveying the violent tenor that Rabbani attributed to the revolution. Imanian rounded out the picture by observing that Rabbani's ideas were very radical, which basically meant that he was opposed to maintaining relationships with the U.S. and Israel, and his opposition was of a violent nature (p. 2.170/2.177, 2.210/2.222, 2.263/2.268 (reverse) and 3.199/3.199 (reverse) of case 1627).

These were the characteristics of the individual (i.e. Rabbani) who entered Argentina on 27 August 1983 as a purported tourist with a 90 day visa and passport no. 198448. On entering the country, Rabbani stated that he was an Iranian national, that he had been born in 1952, and indicated "worker" as his occupation, notwithstanding the fact that the Secretariat of Intelligence reported that Rabbani's entry into Argentina up until 1983 was related to his role as representative of the Ministry of Meat (p. 35.608 of the "Embassy" case and p. 152/186 of file 199).

This circumstance appears to be validated by the testimony of Ricardo Horacio Elia (an employee of the Cultural Bureau of the Iranian embassy) to the effect that in his early years in Argentina Rabbani taught religion sporadically, inasmuch as he was outside the country for about nine months, having been sent to Argentina to realize quality control of meat that had been purchased for export to Iran (p. 884/895 of file 313).

Having arrived in Argentina under the aforementioned circumstances, and after getting to know Rabbani at the At-Tauhid mosque, Hassin Salomón (cousin of Silvina Sain and member of the Assad family) rented Rabbani an apartment located on calle Cervantes 883 in Buenos Aires. Despite the fact that the two men did not conclude a contract, they agreed on a monthly rent of 400

pesos, which according to Salomón's testimony, was paid on most occasions by Mohsen Rabbani (p. 4.874/4.878 of case 1627).

Apart from the aforementioned connection with the Iranian Ministry of Meat, what is known for certain is that the various sources of information used by the investigation have identified Rabbani's ties with the Iranian government via the Islamic Propaganda Organization, which operated under the aegis of the Spiritual Leader and that was supported in foreign countries by Ershad (the Ministry of Islamic Culture). For its part, Ershad operated under the aegis of the president and not the Spiritual Leader, and provided legal and logistics support for the activities realized outside of Iran by members of the Islamic Propaganda Organization (p. 381/416 of file 204).

In testimony echoing that of Reza Zakeri Kouchaksaraee (chairman of the Security and Intelligence Commission of the National Council of Iranian Resistance), Abolghasem Mesbahi testified (p. 381/416 of file 204) that the Iranian organization that Rabbani belonged to was the Islamic Culture and Relationships Organization, whose mission was to recruit individuals who were willing to implement the ideas of the Teheran regime. Mesbahi also stated that Rabbani and Abde Kodaii were in charge of monitoring movements and individuals in Iran with a view to carrying out AMIA attack (p. 844/855 of file 209).

The Iranian defectors Ali Reza Ahmadi and Hamid Reza Eshagi stated that they knew Rabbani; that he was one of the persons that was closest to (and a "darling" of) the Organization of Islamic Culture and Communication; and that "he was sent for the purpose of establishing relationships with the Shiite community..." (p. 502/507 (reverse) of file 313).

That Rabbani was well regarded is confirmed by Mesbahi's testimony to the effect that Rabbani had been nominated by no less a personage than Mohammed Taskiri, who was head of the Organization for Islamic Culture and Communication and leader of Ahi Al Beyt, which Mesbahi indicated was a Shiite group based in London (p. 141 of file 204).

Mesbahi also indicated that he knew Rabbani (whom he identified from a photograph) in 1983, and that Rabbani said that he had spent time in Argentina and that (according to previous reports by Hossein Hosseini) the country was regarded as a place that offered "opportunities." Apparently, Hosseini had sent a report to Ahmad Djanati (secretary of the Organization for Islamic Culture and Communication) containing references to antisemitism on the part of Argentina's political leaders (p. 381/416 of file 204).

Mesbahi indicated that he met Rabbani on the occasion of a visit with the head of the Hamburg mosque (identified as Moghadam, Rabbani's brother in law) in around 1983. At this time, Rabbani (who was part of Khomeini's "office" of intelligence) told Mesbahi that he was going to Argentina in order to create support groups for exporting the Islamic revolution, with a view to leveraging the various opportunities that Argentina offered, according to reports that Hosseini had sent to Iran.

Rabbani also told Mesbahi that if the reports turned out to be true, he would remain in Argentina. But in fact he returned.

Having read the reports, the Iranian mullahs decided that Argentina could potentially become an Islamic state at some point in the future. It was with this idea in mind that Rabbani arrived in Argentina. "They were seeking 'opportunities' to neutralize U.S. and Israeli activities in Argentina,

which they referred to as the ‘court of Israel’; in other words they wanted to combat Zionism in Argentina ...” (p. 3.448/3.461 (reverse) of file 204).

Inasmuch as on 27 July 1984 Mohsen Rabbani was granted a permanent Argentine residency permit in accordance with declaration of amnesty no. 780 (see copy of his DNI no. 92.560.131, p. 2.640 of his assets file), we can infer that the assertions in the report indicating that Argentina presented “opportunities” were confirmed.

It was against this backdrop that Rabbani began developing relationships with the Islamic community (particularly in the Floresta district of Buenos Aires) and with various Argentine citizens, who, whether or not they were adherents of Islam, constituted allies in Rabbani’s strategy of settling in the country and subsequently making his presence felt, itself a key element in the expansion of the Islamic revolution, which has been embodied by Khomeini since 1979.

Hadi Roshanravani stated that Rabbani maintained relations with fundamentalist Islamic groups in Argentina that disseminated propaganda concerning the battle against imperialism (p. 129/136 of file 209). In this regard, Mesbahi testified that the role played by Iranian clerics that were sent abroad was connected to the realization of penetration work in local communities, observation of defectors, and the recruitment of individuals that could later be of use, including for purposes of carrying out assassinations in the name of religion. (p. 3.448/3.461 (reverse) of file 204).

This assertion is corroborated not only by the activities realized by Rabbani in Argentina, but also by significant parallels between Rabbani and other persons that the Iranian regime sent to the region.

In this regard, the Secretariat of Intelligence's report (p. 8.097/8.101 of case 1627) contains information concerning the background of Mohamed Taghi Tabatabaei Einaki, who had launched Hezbollah's activities in Brazil in the 1980s.

According to the aforementioned report, Tabatabaei Einaki entered Brazil in May 1984, on a 30 day visa, as a representative of the Iranian government. His job (similar to that realized by Rabbani for South Beef) was to ensure that Brazilian chicken meat was processed in accordance with Islamic rites.

Tabatabaei Einaki's was granted a 12 month visa in June 1984, and during this period he carried out political activity by spreading the ideas of the Islamic revolution, which resulted in clashes between Arabic Shiites and Sunnis.

As a result of these activities (according to the Argentine Secretariat of Intelligence), the ambassadors of Iraq and Saudi Arabia accused Tabatabaei Einaki of having mobilized Lebanese Shiites in San Pablo, Rio de Janeiro and Curitiba with a view to recruiting followers of Shiite Islam as well as individuals that could be integrated into "terrorist squadrons."

The parallels here are self evident. Tabatabaei Einaki's arrival in Argentina in the early 1980s and his activities aimed at spreading the ideology of the Islamic revolution are reflective of the decision the Iranian government had made to "export the revolution" to Latin America by sending religious authorities that had specific profiles.

The nature of Mohsen Rabbani's integration into the politico-religions plan can only be fully understood against the backdrop of the general characteristics of a theocratic state where the

relationships of subordination between politics and religion bear not the slightest resemblance to the constitutional model that forms the basis for the political systems of Western countries.

In this regard, the observations by Carlos María Bidegain concerning the various relationships between the state and religion are instructive. Bidegain remarks that in cases where the state is a sacred entity, the religious elements of the culture influence the political institutions in such a way that these elements are perceived by the religious person as instruments. This is the stance adopted by Islamic States that are dominated by fundamentalism ("Curso de Derecho Constitucional", Buenos Aires Abeledo Perrot, 1995, T. II, p. 97).

The testimony of Norberto Augusto Pedro Auge (Argentine ambassador to Iran until November 1993) appears to have a similar orientation. Auge stated that in Iran the difference between the State and religion was completely obliterated, and that the cultural attache is a supremely important position in an Iranian embassy, sometimes as important as that of the ambassador himself. Auge also stated that in the mid 1980s, the Saudi Arabian ambassador told him that Argentine authorities should exercise vigilance with regard to the Iranians and their Islamic propaganda activities (p. 104.344/104.350 (reverse)).

Viviana Maruffo (secretary at the Iranian embassy in Buenos Aires at the time of the AMIA attack) testified that Rabbani came to the embassy at least once a week and generally met with ambassador Soleimanpour during the visit. Maruffo's impression of Rabbani was that he was an Islamic fanatic and that he wielded a great deal of power, since whenever he came to the embassy all of the personnel treated him with reverence. Mariffo also stated that Rabbani had even more power than Soleimanpour himself (p. 13.708/13.713 of case 1627).

Even on the basis of just these examples, and despite Rabbani's having assumed the role of a religious leader in Argentina, there is considerable evidence clearly indicating that underneath this personality was an individual with extremist political ideas that marched to the beat of Teheran's drum; an individual who had the capacity and the will to respond to the regime's desire to export the revolution with a view to achieving ideological and religious penetration, using violence if necessary, depending on what the regime required of him.

This theory is confirmed by the testimony of Claudia Susana Navarrete Caro (p. 3.926/3.934 of case 1627), Eduardo Ricardo Lescano (p. 3.945/3.950 case 1627) and Adnan Hamze (p. 462/468 of file 147), who observed that Mohsen Rabbani politicized Islam, and gave it primacy over purely economic considerations.

Concerning Rabbani's expansionist tendencies and personal aspirations, José Antonio Cortéz stated that Rabbani himself expressed to Cortez the desire to become the imam of the radicalized Islamic community of Latin America (p. 657/660 (reverse) of file 251).

Thus, guided by the criteria related to "export of the revolution," Rabbani forged social ties and assumed positions of authority in the institutions where the basic ideas of Islam were imparted.

In other words, soon after arriving Argentina, Rabbani began carrying out the political and religious tasks that were necessary in order to "expand the revolution."

In fact, one witness indicated that Rabbani had founded the Islamic Organization of Argentina, on whose basis Rabbani then established the El Martir mosque in San Miguel de Tucuman, as well as the Al Iman mosque in the Canuelas district of Buenos Aires (see in this regard the testimony of

Witness A of 27 September 1994, on file in the secretariat). Rabbani also formed a connection with a group known as Agrupación Islámica de Asistencia Social [Islamic Social Welfare Association](p. 27 of the Annex "Mohsen Rabbani" in *Informe Internacional*).

Owing to its background and past activities, the organization known as Hermanos Musulmanes Argentinos [Brotherhood of Islamic Argentines] merits special attention as a political and religious structure that was headed by Mohsen Rabbani and that allowed for the spread of propaganda and ideological penetration that Rabbani advocated.

Hermanos Musulmanes Argentinos emerged around 1928 in the midst of the confusion that reigned in the Islamic world within the framework of European colonialism, the disappearance of the caliphate ottoman of Istanbul, and the dismemberment of Islam at the hands of the Christian powers (Waines, David; op. cit, p. 286).

According to Gilies Kepel, the practice of mass organization expounded in the work of Hassan Banna and inspired by the ideas of Qotb formed the basis for Islamic ideas and actions in the 20th century. The fundamental pillars on which the movement rested are embodied by slogans such as “our constitution is the Koran,” “Islam is a complete system,” and “the basis for universal social order can be found in the Korean.” This doctrine was common to all tendencies of the Islamist movement, in the sense of proclaiming that the solution to the political problems of Muslims lay in the creation of an Islamic state that would apply the shar’a (op. cit., p. 34-35).

In a December 1999 ruling on a case concerning the 1992 attack on the Israeli embassy, the Argentine supreme court stated (on the basis of intelligence reports) that the group known as

Hermanos Musulmanes de Argentina [Argentine Islamic brotherhood] was detected in 1983 and that "its objectives were to spread Shiite Islamisn, propagate the theocratic Iranian revolution, and of course recruit adherents to its cause." The ruling also stated that "the organization ceased functioning in January 1992 for reasons unknown, but it is suggestive that its dissolution coincided with the departure to Lebanon of Claudia Bianiana Assad, who was described as the organization's main activist." The ruling also indicated that the organization may have been created by Mohsen Rabbani (p. 38.630 (reverse)/38.631).

Elsewhere in the decision, the supreme court mentions a series of activities that were carried out by Hermanos Musulmanes Argentinos. These activities are indicative of the ideological and religious tenor of the currents that Rabbani supported, and which were reinforced by the public presence of a structure that had the capacity to act as "umbrellas" for the establishment of political ties with potential ideological allies.

Thus, point 220 (p. 38.63l (reverse)/38.632 of the aforementioned ruling) mentions the following: that Rabbani was summoned to a meeting at Casa Suiza on 13 July 1989; the action he realized in solidarity with Palestine day at the El Molino cake shop on del 16 April 1990; the fact that Rabbani exerted pressure at the 1990 book fair with a view to banning sales of Salman Rushdie's *The Satanic Verses*; Rabbani's action at the El Molino cake shop on 5 June 1990 in commemoration of the first anniversary of Ayatollah Khomeini's death; and the pilgrimages realized on 28 June 1991 in the El Molino cake shop.

The supreme court also pointed out that Hermanos Musulmanes de Argentina had counted on support from other groups. In this regard, the report on the investigation of the bombing of the

Israeli embassy (p. 13.915/13.920 of said report) mentions that one of the support groups was called Unión Islámica Alawita. The report also points out doctrine related parallels between Hermanos Musulmanes Argentinos and the following: Shiite Islamic doctrine; Movimiento Patriótico de Liberación, which was opposed to the U.S. and Israel; Vanguardia del Pueblo (Asociación de Trabajadores Peronistas), which likewise was opposed to the U.S. and Israel; Miguel Nancul, a former member of parliament, and identified with "right wing Peronism;" Asociación para la difusión del Islam, whose goal was to find individuals who were amenable to "conversion;" and Unión de los Sin Techo, which was identified ideologically with falangism and its leader Emilio Javier Iglesias Pérez. Hence, as can be seen, Hermanos Musulmanes Argentinos had ties, via its background, with the Franco regime in Spain and the Iranian ambassador to Argentina, Hadi Soleimanpour.

In order to recapitulate the ideological profile that Hermanos Musulmanes Argentinos represented, it is necessary to mention the report (p.3.166/3.174) which notes the existence of said organization, and saying that it split off from Asociación Árabe Argentina owing to the fact that the latter organization identified with the Shiite pro Iranian current, which in the view of Hermanos Musulmanes Argentinos, tainted religious activity with political attitudes that were influenced by the Iranian embassy in Argentina.

Intelligence reports on file at the secretariat describe some of the activities realized by Hermanos Musulmanes Argentinos, which we shall review since they clearly illustrate the group's profile and purpose.

On 19 April 1990, Emilio Javier Iglesias Pérez gave a speech at his El Molino cake shop. The speech was so virulent that it engendered a certain amount of tension between some of the persons in attendance. In his speech, Perez characterized the American government as a "fake Russian communist government" and also said that the U.S. government was Zionist. Moreover, although much of what Perez said was applauded by a great many members of his audience, there was a certain amount of unease among the remaining members owing to the political turn the meeting had taken.

On 5 June 1990 at the aforementioned El Molino cake shop (located at Rivadavia 1815 in Buenos Aires), an event was held to mark the first anniversary of the death of Ayatollah Khomeini. During the ceremony, positive things were said about the Iranian revolution, whereas criticism was leveled at the U.S., the Israeli government, and "European capitalism."

The following statements were made in particular: "Israel is opposed to the Islamic people and is assassinating this defenseless people;" You have to prepare to strike a blow at the heart of America;" "You have to cry out against this hypocritical Israeli embassy;" "Zionism is racism; let us be free Muslims and make common cause against imperialism, for it is today that the oppressed masses will rise up against it;" "you must die enveloped in revolutionary blood as a servant of God and as fighter in the Iranian revolution;" the call of the Iranian revolution is beginning to spread throughout the globe; today (...) the powers that be are beginning to be concerned;" "Khomeini is the greatest man of the century"; you must put an end to the farce of the Israeli embassy in Buenos Aires."

The speakers at the event included the following individuals: sheik Seied Hamid Rouhani, who was an expert on the doctrine of Khomeini; Claudia Assad; the aforementioned Miguel Nancul; Juan Mohsen; and Rabbani, who stated: "Let us ask God to help the Argentines and the Iranians in their struggle against hypocrisy, oppression, and materialism (...) victory is near if God wills it."

The report by the Secretariat of Intelligence indicates that the aforementioned event was part of a strategy that was devised in connection with the ideological penetration implemented by the Iranian revolution, and was based on the concept of Islamic Jihad (holy war); and that Hermanos Musulmanes Argentinos appeared to be the coordinator of this proselytizing task.

Politicizing religion in this way takes on a particularly virulent position in connection with the analysis of the video that was made of the event on 11 April 1991 at the El Molino cake shop (p. 3.166/3.174).

On the occasion of this Palestine Day celebration, the speaker gave a talk on the liberation of the Palestinian people and the necessity of fighting against Israel to the bitter end. The speaker stated that Israel is a cancerous tumor that must be wiped from the face of the earth and that the Israelis must be fought until the last drop of blood has been shed. The speaker was harshly critical of those who accept agreements with Israel that are driven by capitalists powers and indicated that the Palestinians can be liberated only if Israel is destroyed. The speaker concluded by expressing his admiration for Khomeini and observed that four million Muslims are united in saying that Israel must be destroyed (p. 3.168).

Concerning this event, Ricardo Horacio Elía only said that he read the Spanish text of a speech whose Farsi version had been previously read by Rahmatollah Bakthiari, the embassy's First Secretary who was in charge of the embassy at the time and was the author of the speech. Elía also indicated that this speech was suitable for an Iranian audience or an audience in another Islamic country, and was not suitable for a Western country (p. 884/895 of file 313).

To return to Mohsen Rabbani: in addition to having the opportunity to propagate the ideas advocated by the Iranian regime and to develop relationships with other organizations which, in view of the similarities of their ideology with that of Hermanos Musulmanes Argentinos, could be regarded as "support groups" for them, Rabbani also disseminated these radical concepts via magazines and radio, since he was aware of the importance of communication media as channels of mass communication.

We are referring here to the publications known as *El mensaje del Islam* and *El Muecín*, as well as Rabbani's direct relationship with the radio stations *Al Iman* and *Armonía*.

César Gabriel Duarte testified that the aforementioned publications were distributed to members of the Islamic community (p. 3.680/3.688 (reverse) of case 1627), and according to the information on file in the secretariat, were used as propaganda at events that were organized by Hermanos Musulmanes Argentinos. Ricardo Horacio "Samsudine" Elía confirmed that he was the general manager of the magazine *El mensaje del Islam* and that Rabbani was editor in chief (p. 884/895 of file 313).

The radio programs were broadcast on the station known as Armonía, whose frequency was 1600 A.M. and which from 1993-1995 was located at calle García Lorca 2404 in the town of José Ingenieros and the province of Buenos Aires (p. 2/5 and 192 of file 391). The station broadcast a program called *La quiblah*, which was directed by Gabriel Ali (alias Mohsen Fayr Mohammed Ali) and whose advertising manager was Julio Jorge Saleh. The program dealt with religious subjects that were discussed by sheik Abdul Karim Paz Bullrich and Federico Guillermo Abdulraham (intelligence report, p. 5.203/5.245 of case 1627; p. 152/186 of file 199; and testimony by Eduardo Lescano, p. 3.945/3.950 of case 1627).

The second station that was used to propagate Islamic culture and religion was the FM station Al Iman, whose frequency was 90.7 (p. 331/332 (reverse) of file 391). Mohsen Ali was also the director of this station and he was assisted by Abd Khodae, Rabbani, Soleimanpour, and other diplomatic officials (intelligence report, p. 5.203/5.245 of case 1627; also see the actuarial evidence on p. 47 of file 391).

Adriana Fátima Stambuli (ex-wife of Gabriel Leandro "Mohsen" Ali) stated that sometime around 1986 her husband suggested to Rabbani that if the cooperation of the entire community were enlisted, a radio station could be created for the propagation of Islamic culture and religion. This idea was ultimately implemented in the guise of a station called Radio Imán, of which Mohsen Ali was executive director and announcer. Rabbani was invited to the station once a month, or before religious festivals, so that he could speak about the community and religious subjects (p. 331/332 (reverse) of file 391).

The content of these programs is noteworthy. A report by the Secretariat of Intelligence (p. 187/190 of file 391) stated as follows in regard to the program called *Quiblah*: "The program dealt with issues of concern to members of the world Arab Islamic community in general and the Argentine Islamic community in particular. With respect to Argentina, the program expressed the view that market terrorism had been established here for the purpose of taking people's savings and to maintain the collaboration with the U.S. and Europe..."

The program transcripts included in the aforementioned file also contain criticism of Israel for its occupation of southern Lebanon, as well as expressions of support for the members of Hezbollah and the Islamic resistance.

The strategy of ideological penetration, which appears to have been conceived with the various sectors of propaganda activity in mind, was carried out in conjunction with commercial activities realized by Rabbani whose aim was to establish himself and the ideas he advocated in the Islamic community. In so doing, Rabbani made substantial investments in the establishment of religious entities and of commercial activities that were based on funds that were earmarked for the support of various operational aspects of these activities, including implementation of the aforementioned means of communication. In the interest of gaining a clear picture of these activities, we will now describe the real estate that Rabbani acquired during his time in Argentina.

According to the evidence in the case, on 14 December 1988 Rabbani purchased two adjoining pieces of property identified as lots no. 1 A and 9 of block 29, located in Rivadavia and Florida and Rivadavia no. 1100, in the Buenos Aires district of Cañuelas, where ultimately the Al Iman mosque

was built (report, p. 860/867; and copy of deed of purchase and related documents, p. 953/954 (reverse) and 784/791; all in file 251).

On 9 September 1989, Rabbani purchased a building located at Gaona 3387/95 - Terrada 1111/35, in Buenos Aires (report from Registro Nacional de la Propiedad Inmueble [National land register], p. 1.009/1.012 of the assets file). Concerning this purchase, Juan Carlos Ahmad (who knew Rabbani through the father of Claudia and Roxana Assad) testified that beginning in 1992, he (Ahmad) began managing a 1500 square meter piece of property that Rabbani owned at the intersection of Gaona and Terrada streets in Buenos Aires.

The witness also stated that there were four stores on the property that he rented out for Rabbani (p. 3.694/3.701 of case 1627).

Ahmad also testified that there was a parking lot on the property called Saint Thomas, a restaurant by the name of Rosaura (which occupied two storefronts), an ice cream parlor called Helarte, and a pay phone. Rabbani earned monthly rental revenue property amounting to approximately 5400 pesos, which on most occasions was handed to him personally.

Ahmad also testified that Rabbani owned another property in Ciudadela where the Iman radio station was located; and that he learned of the existence of this property through a person named Fasher. Ahmad also stated that the rental income from the Gaona street property was used to finance a magazine that dealt with Islamic activities.

Rabbani effected his third real estate purchase on 27 May 1996, via document no. 54 that was executed before the notary public Sandra E. Stambul. In this case Rabbani purchased the property

located at Franciso Madero 1308 in Ciudadela from María Cristina Herrera for USD80,000 (see copies of the notarized document concerning the purchase, p. 277/283 of file 391, as well Rabbani's notarized will, p. 167/170 and 175/176 (reverse) of file 391). When the wills were executed, Rabbani stated that he was the first cousin of Adriana Fatima Stambuli, who was Gabriel Ali's ex-wife.

Rabbani's final purchase was a property located at calle Córdoba 309 in Cañuelas (p. 845 (reverse) of file 251; according to the city of Cañuelas, the cadastral data is as follows: Circunscripción I, Sección C, Quinta 33, Parcela 15). Rabbani planned to build a kindergarten in this building, but the project was cancelled.

The latter real estate purchase is corroborated by the documents at p. 852 of file 251, which were submitted by *Dirección de Catastro de la Municipalidad de Cañuelas* [city of Canuelas Land register department], which show that the Rabbani was the registered owner of the building. These documents are accompanied by the relevant cadastral map and a layout plan of the building (p. 853/854), which was registered as no. 17.694; the relevant report from the *Registro de la Propiedad Inmueble de la provincia de Buenos Aires* [Buenos Aires province land register office] can be found at p. 858.

It should be noted that according to the testimony of Ricardo Horacio Elía, the Cultural Bureau, which was headed by Rabbani, received funding each year from the Iranian Ministry of Islamic Culture and Guidance (Ershad) (p. 884/895 of file 313).

The clear account provided by Juan Carlos Ahmad (included in Ricardo Horacio Elía testimony), combined with a detailed validation of the documentation alluded to above, indicates that Rabbani was in fact administering funds that came from the Iranian government, and that he used these funds for activities that involved the propagation of Islamic culture, specifically radio programs, distributing printed material, and activities at the At-Tauhid mosque.

In addition to disseminating the precepts of the Teheran regime and promoting the spread of the Islamic revolution, these activities also enabled Rabbani to recruit volunteers for the realization of these activities.

Having demonstrated Rabbani's robust interest in acquiring real estate in Argentina, we will now describe his financial activities in Argentina via his relationships with various banks. This will also reveal the extent of the funds that were available to him, and how these amounts varied over time.

The accounting documentation in the case shows that Rabbani's liquid assets increased over time. In 1992, the total credits to his accounts amounted to USD$80,500, and his debits amounted to USD58,700. His credits in the following year increased to USD126,583, and his debits amounted to USD56,500. Between 1 January and 18 July 1994, the total credits to Rabbani's bank accounts amounted to USD166,312, and total debits amounted to USD186,000. Between 18 July and 31 December 1994, the total credits to his accounts amounted to USD47,004, and the total debits were USD97,588. Hence, and apart from the specific numbers, our point here is that Rabbani had substantial sums of money at his disposal (see account records, p. 23/25, 33/36 and 2.644/2.668; assets file for Mohsen Rabbani, p. 6.410/6.490 of case 1627).

Worthy of mention also are the suspicious movements of funds detected in account no. 02-2815444-600 that Rabbani opened at Deutsche Bank on 22 December 1993. The first circumstance that attracted our attention was the date that Rabbani opened the account, since this was shortly after he returned to Argentina from Iran, to which (as we have seen) he was summoned so that he could attend the meeting where the decision was made to carry out the AMIA attack.

An even more striking circumstance concerning the aforementioned account is that as at the date it was opened, Rabbani already had the following two active accounts at other banks: no. 7241453 at the Montevideo branch of Banco Sudameris, opened 12 April 1989; and no. 611095-8 at Banco Tornquist, opened 5 March 1992 (see p. 1.972/1.972 (reverse) and 2.638/2.668 of the aforementioned assets file and p. 5.494/5.499, 5.739, 6.410/6.490 and 6.820/6.841 (reverse) of case 1627).

But the most suspicious circumstance of all is the fact that (a) **only four months prior to the AMIA bombing, USD150,812 were deposited in the Deutsche Bank account from abroad**; (b) **USD94,000 of this amount was withdrawn prior to the date of the AMIA attack** (18 July 1994); and (c) **USD45,588 were withdrawn over the course of the two months following the attack** (p. 12/14 and 30/75 of the aforementioned assets file).

Concerning the possible provenance of these funds, which we assume came from Iran, the following should be noted: notwithstanding the information from Deutsche Bank's successor in this regard (p. 2.744, 2.787 and 2.907 of the aforementioned assets), although it is impossible to establish such facts of this nature after such a long lapse of time, there is no doubt that the examination of the bank records from operations similar in nature to the AMIA attack, albeit of

more recent vintage, and provided by the same bank, show that the batch number (9183) that was allocated to the entries mentioned above was the same that was assigned to the aforementioned funds transfers from abroad (p. 3.002/3.003 of the aforementioned assets file).

Three of the operations indicating that the funds in question were transferred from abroad originated at Bank Melli Iran and were sent to Unión de Bancos Suizos and Deutsche Bank (see p. 3.250/3.253 of the aforementioned assets file). This indicates that the aforementioned funds were sent from Iran.

This supposition is supported by a statement from *Dirección de Inteligencia Fiscal and Aduanera de la Administración Federal de Ingresos Públicos* [Tax intelligence and customs section of the federal tax office] concerning the Banco Tornquist account, to the effect that no evidence was detected of Rabbani having ever received funds from Argentina (p. 5.494/5.499 of case 1627). The testimony of César Gabriel Duarte and Viviana Paula Maruffo in our offices also support our contention that the funds may have come from Iran (p. 2.878/2.882 of assets file and p. 3.680/3.688 (reverse) of case 1627).

In light of all that has been said above, combined with the other elements in the case (which we shall discuss below) that strongly implicate Rabbani in the AMIA attack, it is reasonable to conclude that Rabbani used the funds from the aforementioned account to defray various expenses related to the execution of the AMIA attack.

The fact that Rabbani had such considerable sums of money at his disposal supports our contention that Rabbani possessed a considerable amount of political and religious clout. But apart

from having becoming the leader of one of Argentina's mosques (At-Tauhid), he indisputably also became the chief coordinator, in Argentina, of the dissemination of pro-Islamic Iranian material that incorporated explicitly fundamentalist content, with a view to recruiting adherents on the strength of his religious influence on one hand, and his economic clout on the other.

Having described Rabbani's propaganda activities involving the dissemination of the ideas advocated by the Iranian revolution (ideas that were particularly virulent), and having analyzed his financial activities in Argentina and the consequent suspicions, we shall now discuss a matter that is fundamental in terms of the process through which Rabbani established himself in Argentina and created networks that had the capacity to "export the revolution" within the various contexts described above. We are referring here to the establishment and operation of the aforementioned mosques, in that these legitimate religious centers were unscrupulously exploited by individuals such as Rabbani for purposes that exceeded the bounds of religion, and were used as centers of indoctrination and recruitment for these ends.

According to the information that has been gathered in the case, after four years of operating in Argentina, and following the departure of Salari (who at the time was chargé d'affaires of the Iranian embassy in Buenos Aires, as well as a cleric), Mohsen Rabbani formally took over as leader of the At Tauhid mosque. And in any case, from the early days of his time in Argentina, Rabbani held leadership positions at this mosque (in this regard, see the testimony of Ricardo Horacio Elía p. 884/895 in file 313 and the testimony of Juan Isalla, p. 24.398/24.405).

The testimony of Hassin Salomon, Habibollah Assefi (p. 4.874/4.878 (reverse) and 3.908/3.914 (reverse) of case 1627) and Mohammed Hassan Hamze (p. 476/480 of file 147) dispel any doubts as to whether Rabbani held leadership positions at the At-Tauhid mosque beginning in 1983.

Concerning financing, Viviana Maruffo (who was a secretary at the Iranian embassy in Argentina) testified that the mosque's expenses were defrayed by the Iranian embassy (p. 13.708/13.713 of case 1627). In addition, according to documentation from *Registro Nacional de la Propiedad Inmueble* [National land register], in 1984 the mosque was owned by the government of Iran (p. 3.831/3.893 of case 1627).

Rabbani's ties with the terrorist organization Hezbollah can be traced via the operations of the At-Tauhid mosque. To begin with, it should be noted that Abolghasem Mesbahi testified that Rabbani was the Hezbollah leader in Argentina (testimony before the *Tribunal Oral en lo Criminal Federal No. 3*, p. 4.105/4.137 of file 204).

Also relevant in this regard is the fact that Silvina Gabriela Sain and Karina Laura Sain worked with Mohsen Rabbani at the At-Tauhid mosque, as was indicated by Mehdí Bizari, Mohammed Reza Javadi-nia, Ali Reza Halvaei, Hassin Salomón, Ricardo Amado Sleme, Claudia Susana Navarrete Caro (p. 2.202/2.209 (reverse), 2.253/2.261, 2.526/2.532, 4.874/4.878 (reverse), 4.675/4.678 and 3.926/3.934, of case 1627, respectively), Carlos Hernán Palazzo (p. 900/907 of file 313) and Juan Carlos Moreno (p. 181/187 (reverse) of file 137). The aforementioned testimony confirms the existence of an emotional bond between Silvina Gabriela Sain and Samuel Salman El Reda on one hand, and between Karina Laura Sain and Hussein Salman El Reda on the other.

The significance of said relationships is elucidated by the testimony of Witness A, who identified Samuel Shalmen El Reda as an active member of Hezbollah, as stated in his testimony that was cited above.

This relationship framework is completed by the phone call of 26 May 1994 that was made from the private residence of Salman El Reda in Foz de Iguazu to the At-Tauhid mosque (see phone records, p. 2.031/2.074 of file 201).

Another indication that Rabbani had ties to Hezbollah emerges from his relationships (described by Witness A) with Farouk Omairi, a presumed Hezbollah member who lived in Foz de Iguazu. According to Witness A, Omairi was in regular contact with personnel at the Iranian embassy in Buenos Aires, as well as with Rabbani himself, given the fact that he had lived at the At-Tauhid mosque for a time (see testimony of 27 and 28 September 1994, 8 October 1997, and 16 and 21 May 1998, on file in the secretariat). This relationship is corroborated by the phone calls detected over the course of 1994.

With regard to these calls, on 9 and 12 March, 22 April (twice) and 13 July, there were calls between the phone number 69-5272 (at Rabbani's private residence) and the phone numbers 5545 572 1880 and 5545 573 3429 in Foz de Iguazu, both used by Omairi (see p. 2.098/2.124,2.128/2.130, 2.161/2.201, 2.203/2.205 and 2.874/2.877 of file 201).

In addition, two calls were placed on 11 March; six on 7 April; two on 4 May, and four on 6 July between the phone number 802-1821 belonging to the Iranian Cultural Bureau (which Rabbani headed) and the phone numbers used by Omairi, i.e. those mentioned above and the number 5545 574 1586, from Foz de Iguazu (see p. 2.272/2.506, 2.597/2.599 of file 201).

In addition, Alfredo Miguel Barcia testified that a former Hezbollah fighter stayed at the Cañuelas mosque on a date prior to the AMIA attack, and that on making direct contact with this

individual, he noted that the individual spoke Arabic and seemed to be depressed. Barcia then recalled that “Madani” (leader of the Buenos Aires mosque and Rabbani’s disciple) told him that he had ten siblings, nine of whom had died in combat, and that he felt thwarted because he had not become a "shahid" (martyr) (p. 633/640 (reverse) and p. 1.288/1.290 (reverse) of file 251).

The aforementioned Hezbollah fighter had also stayed at the At-Tauhid mosque. The internal problems at the mosque were ascribable to two factors. The first is related to the differences between the ideological positions espoused by Rabbani and his deputy Mohammed Mu'alimi Zadeh. Whereas Rabbani personified an eminently political and extremist point of view, Zadeh represented an essentially religious standpoint. The second issue concerns Nidal Bazoun’s arrival in Argentina and his having taken refuge in the At-Tauhid mosque (Bazoun was accused of being a Hezbollah operative; see the testimony of Mehdí Bizari, p. 2.202/2.209 (reverse), case 1627; Ricardo Horacio Elía, p. 884/895, file 313; and Mohammed Riad Abbas, p. 86/88, file 137; and the evidence on pages 5 and 32 of the Annex "Mohsen Rabbani" in *Informe Internacional*). It is clear that Rabbani prevailed in this dispute, since Zadeh returned to Iran in 1993.

Likewise helpful in corroborating the contacts that Rabbani maintained during his time in Argentina with elements in the Triple Border area inhabited by Hezbollah operatives is the intelligence information indicating that on 2 August 1994 Rabbani met with the Brazilian national Ghazi Iskhandar, whose name was found in the appointment calendar of a Hezbollah terrorist named Bassem Harakeh and who was in detention in Norway (p. 5.203/5.245 of case 1627 and p. 7.823/7.829).

Also relevant in this regard is the information in the Secretariat of Intelligence's report concerning a call that was made on 3 April 1992 from Mohsen Rabbani's home to the secretary of the spiritual leader of Hezbollah sheik Fadlallah in Beirut (p. 2.070/2.093 of case 1627). The existence of this relationship is consistent with Mesbahi's testimony before the *Tribunal Oral en lo Criminal Federal No. 3* to the effect that one of Rabbani's main activities in Argentina was being in charge of Hezbollah (p. 4.105/4.137 of file 204).

Having completed this digression in order to describe Rabbani's ties to the terrorist group Hezbollah, it should be noted that while Rabbani was solidifying his control over the At-Tauhid mosque, he was also pursuing his goals with regard to the Canuelas location, particularly in terms of the mosque that was operated there, which was the first to propagate Sunni ideas in Argentina.

Alfredo Miguel Barcia – who was a member of Sociedad Argentina Islámica [Argentine Islamic association] in Cañuelas in the 1980s – testified that Rabbani approached this group and offered to purchase a mosque for them in Canuelas (p. 633/640 (reverse) of file 251).

The purchase was contingent upon the members of the group attending prayers with the Shiites, which in fact came to pass. Once the mosque had been purchased, it began operating under the name of Al Iman.

The foregoing was substantiated by José Antonio Cortéz, who stated that in 1988 Rabbani approached the members of the Sociedad Islámica and offered to buy the building. This came to pass on 5 November 1988 when Rabbani purchased the property located at the intersection of Rivadavia and Florida streets in Cañuelas (p. 657/660 (reverse) of file 251).

According to Cortez, some time after the purchase, individuals associated with the Shiite At-Tauhid mosque came to see the group for the express purpose of inculcating Shiite doctrine into Canuelas's Islamic community. Cortez stopped frequenting the mosque for this reason.

As was the case with the At-Tauhid mosque, Barcia (like Cortez) recalled that the Sunni mosque in Canuelas derived its financial support from Rabbani, who obtained the money from the Iranian embassy in Buenos Aires.

Rabbani's economic clout may have resulted in the dismissal of the original leader of the Canuelas mosque, Iman Calcagni, after he sent a person by the name of "Mustafa" (Eduardo Lescano) to the mosque to supervise the activities there. As a result of the negative report filed by "Mustafa," Iman was replaced by Roberto Medina, a convert to Islam who had adopted the name Abdallah Madani on his conversion (see Barcia's testimony in this regard on p. 633/640 (reverse) of file 251 and that of Roberto Rubén Medina, p. 1.303/1.308 (reverse) of file 251).

Thus it can be concluded (as was confirmed by Luis Ricardo Arévalo (p. 712/715 (reverse) of file 251)) that although *Sociedad Argentina Islámica* adhered to Sunni Islam in its early days, once "Madani" arrived – and under the leadership of Rabbani, it became a Shiite oriented organization.

Rabbani took control of the San Miguel de Tucumán mosque as well. According to an intelligence report (p. 7.823/7.829) Mahmud Aid (head of the El Mártir mosque) was a close confidant of Rabbani's, a fact that was corroborated by a number of witnesses.

Specifically, Mohammed Reza Javadi-nia identified Mahmud Aid as having studied under Rabbani (p. 2.253/2.261 of case 1627); Luis Ricardo Arévalo indicated that he was a confidant of

Rabbani's (p. 712/715 (reverse) of file 251); and Ricardo Horacio Elía stated that Benjamín Mahmud Aid was one of the persons (along with Santiago Paz Bullrich) that Rabbani recommended should deepen their knowledge of Islamic by studying at the Qom school, from which these individuals did in fact graduate (p. 884/895 of file 313).

Hadi Roshanravani stated that "Ernesto Benjamín, whose name might have been Aid" was head of the Tucumán mosque and the person who kept an eye on Rabbani's affairs (p. 129/136 of file 209). In addition, the book list for the Islamic ethics course at the At-Tauhid mosque included a text called "Recopilación de las virtudes"[Compilation of virtues] by Professor Aid (p. 760 of file 251).

The sway Rabbani exercised over the leader of the Tucuman mosque was also reflected by political and religious convictions formulated by Mahmud Aid, whose tendencies can be seen in various articles he published in the San Miguel de Tucuman newspaper *La Gacea* (on file in the secretariat).

A 23 July 1994 *La Gaeca* article entitled "Una campaña contra el Islam" [An anti-Islam campaign] quotes the following statements by Mahmud Aid that reveal the aforementioned ideological tendencies: "Peace will be achieved in the Middle East when the Palestinians are treated with respect and have their own territory. The State of Israel as a Jewish entity should disappear. We are talking about the disappearance of the Jewish state, not the Jews, who will maintain their faith in the countries they live in." Another Aid article entitled "Quieren una solución final, como los nazis" [We need a final solution, like the Nazis] published three days later in the same newspaper stated that

the key to peace is "the physical disappearance of the Jewish State."

The brief overview we have provided of the structure and development of the three mosques, their leaders, and the political and religions ideas that formed their underpinnings demonstrate irrefutably that Mohsen Rabbani controlled the three mosques, which by the end of the 1980s had acquired the capacity to replicate the "hard line" of the Islamic revolution.

This supposition is supported by an examination of the testimony heard during the case, which has enabled us to determine that Islamic centers were not only used for teaching and propagating the Islamic faith, but also served as facilities where adherents to the Islamic cause could potentially be recruited. Moreover, Iranian intelligence exploited the legitimate practice of religion to propagate their radicalized vision of Islam and to recruit persons who could potentially adhere to this ideology.

In his testimony before the *Tribunal Oral en lo Criminal Federal No. 3*, Mesbahi indicated that the mosque was one of the pillars of Iranian intelligence gathering activities. He backed up this statement by saying that when initial contacts were made with the Iranian community in a foreign country, the potential contacts trusted the Iranian operative more if they met them in a religious setting. According to Mesbahi, the most important site in this regard was the mosque that Rabbani frequented from 1983-1984 (p. 4.105/4.137 of file 204).

Khalil Duran wrote the following in this regard: "Hezbollah had a presence wherever there was a large number of Shiite followers of the doctrine of Ayatollah Khomeini (...) or among the large Syrian-Lebanese community in Buenos Aires, Tucumán and other Latin American cities. The

regime also sent to Buenos Aires a high ranking member of the clergy by the name of Ayatollah Rabbani, along with other young officials who had undergone political training. The Shiite mosque in Buenos Aires was also actively involved in drumming up support for local political parties in Iran." Elsewhere, the author states as follows: "A substantial portion of these activities served to create a solid infrastructure for Teheran's terrorist network. The Khomeini regime's determination to obtain this advantageous position in terms of terrorism has been greatly underestimated" (Terrorismo de Medio Oriente: sus características and móviles" by the aforementioned author, p. 104.157/104.179).

One of the key factors in terms of solidifying these political and religious structures was perhaps having the financial resources needed to defray the attendant expenses. In this regard, and apart from what has been said concerning the individual mosques, Hadi Roshanravani's observation that the Iranian regime devoted part of its official funding to the construction of mosques is relevant here. Roshanravani estimated that the annual budget for unofficial expenses amounted to USD5 million, and that Rabbani requested more than that, so as to ensure that funds would be available for the realization of other activities concurrently (p. 129/136 of file 209).

The ideological line that Rabbani espoused as the spokesman in Argentina for the hardest-line doctrines of the Iranian revolution; the financial clout he wielded during his initial years in Argentina; and the control he exercised over Argentina's key mosques (whether through direct action as a leader, or indirectly via his disciples) are undoubtedly the factors that enabled him to create an intelligence structure that had the capacity to gather information that could be used in the event the instructions to "export the revolution" necessitated the use of violent methods.

The evidence in the case shows that Rabbani employed the following three modalities to organize the human resources needed to achieve his objectives: religious training; enabling Iranian nationals living in Argentina to obtain a college education; and cultivating relationships with Iranian companies that operated in Argentina.

In this regard, Khosrow Imanian gave testimony regarding the indoctrination to which Rabbani subjected students of Islamic studies that stayed at the mosque. Imanian recalled that there were approximately ten of these students around 1987 and 1988, but they weren't college students. The following persons were also in the group led by Mohammed Reza Javadi-nia (who had studied medicine): Mohammed Reza, Mohammed Riad Abbas, Mohammed Reza Baharkoush, Mehdí Bizari and two or three other persons.

Imanian recalled the ideas concerning violence that Rabbani inculcated into some of his students. The witness said that this prompted him to have a talk with three of the students "to try to rescue them, but I wasn't able to, because they were under Rabbani's influence and dominated by him, and he made them obey very strict rules" (p. 2.170/2.177, 2.210/2.222, 2.263/2.268 (reverse) and 3.199/3.199 (reverse) of case 1627).

Concerning the access to institutions of higher education for Iranian students (who mainly attended medical school), the former Cultural Bureau driver César Gabriel Duarte corroborated the fact that students were provided with assistance with the medical school admissions process, in that all of the administrative tasks were done for them (p. 3.680/3.688 (reverse) of case 1627).

Rabbani also steered students toward taking the courses in religion that were offered at the At-Tauhid and San Miguel de Tucumán mosques (see testimony by Duarte and by Ricardo Horacio Elía p. 884/895 of file 313).

Mesbahi confirmed that that Iranian students living abroad may have been manipulated through the granting of financial assistance, which placed them in a position of dependency (p. 3.448/3.461 (reverse) of file 204). This was corroborated by the testimony of Eduardo Lescano, who recalled that Rabbani kept 90 percent of the students' stipends (p. 3.945/3.950 of case 1627).

In addition, although we have described elsewhere the close ties between Rabbani and the Iranian companies that were operating in Argentina, it should also be noted that Rabbani's influence enabled persons around him to work for these companies.

Following is just one example of this. In an intercepted phone conversation, Peyman Chegini (the head of the company South Beef) said to "Mustafa" (Eduardo Lescano) that Rabbani was the one who provided all the personnel for the companies, and thus selecting new employees was not up to him [Chegni] (p. 81 of folder no. 1335, located in the secretariat).

It is undoubtedly the combination of Rabbani's political authority and his financial resources that enabled him to establish a basic intelligence infrastructure that had the wherewithal to gather information concerning his compatriots, other Islamic currents in Argentina, and potential targets for terrorist operations such as the AMIA attack.

This circumstance was confirmed by Nasser Rashmany's testimony to the effect that both Hesmatollah Rahnema and Mohammed Reza worked as informants for the Iranian embassy in

Buenos Aires. Rashmany recalled that Rabbani had a group that was commonly referred to as the "antennas" by virtue of the fact that they used the Bahai and all Iranians that arrived in Argentina to obtain information. The witness also stated that in addition to the aforementioned individuals, Kian Ghorbani and Javadi-nia were also members of the group. Rashmany also confirmed that Baharkoush drove a taxi in order to carry out the intelligence tasks that Rabbani assigned him (p. 1.006/1.015 of file 71).

Against this backdrop, Abolghasem Mesbahi's testimony appears to incriminate Rabbani, who in the process of establishing himself in Argentina in order to seek "opportunities," also identified a specific number of Jewish and U.S. targets. Mesbahi also stated that toward this end, Rabbani used trusted members of the Shiite community, and after each of the potential targets had been identified, Rabbani sent reports to Iran containing the aforementioned information (p. 381/416 and p. 3.448/3.461 (reverse) of file 204). These reports included maps of targets, as well as photos, videos, and an action plan for each target. This information was transmitted to Teheran in an encoded form or was given to Fallahijan (p. 141, file 204).

Consequently, and in keeping with the account provided by Mesbahi during his testimony before the *Tribunal Oral en lo Criminal Federal No. 3* (which indicated that his testimony was clear, precise, to the point, and did not contain any holes or contradictions), we are in a position to assert that on his arrival in Argentina, Rabbani began sending information concerning opportunities in Argentina to propagate the Iranian revolution and carry out intelligence activities in Argentina.

In this context, Rabbani was the person who identified potential Jewish and U.S. targets in Argentina. These activities received full support from the authorities in Teheran, and according to

Mesbahi's testimony, until 1993 their outcome constituted a determining factor in making the decision to carry out the AMIA attack (p. 4.105/4.137 of file 204).

Mesbahi's testimony also confirms that Rabbani was conversant with the details of the AMIA attack; that he knew the purpose of the information that he was collecting; and that this information was needed for a terrorist operation. But at that period, the exact timing of the attack was unknown (p. 381/416 of file 204).

Mesbahi also testified that Rabbani wanted to test the waters of a terrorist operation, which for him represented an intensification of his activities in Argentina; that he obtained the requisite logistics resources at the local level; and that he tried to convince the Iranian leadership that he could genuinely facilitate the realization of terrorist acts against Israeli and U.S. targets. Mesbahi did not detect in the coordinators of any other Iranian intelligence service the desire Rabbani had to get deeply involved in the planning for the attack (testimony before the *Tribunal Oral en lo Criminal Federal No. 3*).

Furthermore, during the videoconference that was realized during a session of the *Tribunal Oral en lo Criminal Federal No. 3*, Mesbahi indicated that Rabbani attended, in the capacity of adviser, the Iranian Supreme National Security Council meeting at which the decision was made to carry out the AMIA attack.

This statement is completely factual. According to the relevant immigration documents, Rabbani left Iran on 18 June 1993, and according to the Secretariat of Intelligence, his destination was Iran. He returned to Argentina on 29 October of the same year. This proves that Rabbani was in Iran at

the time the meeting was held where the decision was made to carry out the AMIA attack (see the original immigration documents, which are on file in the secretariat; the copies are at p. 111.375; and p. 13 of the Annex "Mohsen Rabbani" in *Informe Internacional*).

Nor is it unreasonable to conclude that Rabbani, who was one of the most powerful figures in the Iranian regime at the time, attended a meeting (at least in the capacity of an advisor) at which a decision of such importance for Argentina – where he had lived in since 1983 – was being made.

Once the decision had been made to proceed with the plan, the local infrastructure established by Rabbani acquired the capacity to provide the groups carrying out the attack with the requisite local logistics support. Thus all that remained to be done was to provide Rabbani with diplomatic cover in order to shield him from any allegations that he might have participated in the definitive operational phase of the attack.

The Iranian government decided to make Rabbani a diplomat only a few months prior to the AMIA bombing, thus enabling him to go about providing material support for the operation with relative ease, while at the same time guaranteeing him diplomatic immunity following the attack.

In this regard, it is necessary to review the events in the Mykonos case in Germany. The Berlin Superior Court accepted as proven the allegation that Kazem Darabi planned and organized the assassination (p. 34 and 189 of the ruling of 10 April 1997). Having been arrested less than four weeks after the assassination (on 8 October 1992), Darabi served as the point of departure for shedding light on the planning and machinations engaged in by the highest leaders in the Iranian government, and their ties to international terrorism.

Gustavo de Arístegui states the following with regard to the modus operandi of Jihad terrorists: "...For them the attack doesn't end with the deaths of dozens or hundreds of innocent people. It continues when the police investigation swings into action, for these terrorists follow it with rapt attention via the media. These individuals are extremely self-critical, and discuss the errors they make – those that they identify themselves as well as those that are detected by the police and judicial investigations (op. cit. p. 291).

Against this backdrop – and bearing in mind the words of Bruce Hoffman to the effect that "the terrorists are the ones who are better at learning. If they don't learn, they don't survive, and their survival, including the success of their operations, are their two principal traits" (p. 778/914 of file 267) – it comes as no surprise that Rabbani was provided with the resources he needed in order to act as the central figure in the logistics of the operation and elude prosecution.

According to *Dirección Nacional de Ceremonial*, Rabbani was granted his diplomatic credentials as cultural attache of the Iranian embassy in Buenos Aires on 3 March 1994. The official documentation (p. 1.695/1.698 of file 392 and p. 6.913/6.917 of case 1627) shows that Rabbani was issued Iranian diplomatic passport no. 012009, and that he indicated that his home address was calle Martín Coronado 3120 in Buenos Aires.

In addition, the list of visas submitted by the Argentine Foreign Ministry shows that Rabbani was the holder of the aforementioned diplomatic passport – date of issuance 15 February 1994 – and that his wife and children had service passports that were issued on this date as well (p. 321/351 of file 394 and the relevant forms, on file in the secretariat).

A trip Rabbani took to Iran in 1994 is significant in this regard. As is shown by documentation on file in the secretariat, Rabbani left for Iran in early February and returned on March 3, as is indicated by the relevant immigration document. On the day of his return, the Argentine Foreign Ministry indicated that Rabbani had been granted his credentials as an Iranian diplomat. This strongly suggests that Rabbani went to Iran in early 1994 and returned to Argentina on 3 March of the same year with a diplomatic passport that had been issued only two weeks previously.

It can be inferred from the foregoing that none of this was coincidental, and that a conscious and deliberate decision was made to provide Rabbani with diplomatic cover within the context of the preparations for the attack, which were already well advanced. While the facts in the case strongly suggest that Rabbani was granted immunity from international law with respect to the AMIA attack until his departure from Argentina, it is evident that the Iranian authorities had learned their lesson, since they did not make the same mistake they had made in the case of Kazem Darabi, namely failing to provide him with diplomatic immunity for the Mykonos operation.

It is noteworthy that Mohsen Pazoki stated that his brother – the former cultural attache Ahmad Pazoki, known as "Sina Vahed" and a writer by profession – had been chosen for the job on the strength of his cultural expertise, and then went on to say that Rabbani's case was unusual, since he was a cleric who was the leader of the At-Tauhid mosque when he was tapped for the position and lacked a cultural background (p. 896/899 (reverse) of file 313) – a statement that supports our supposition concerning the real reason for his having been given this job.

Concerning the terrorist attacks in France in 1985 and 1986, Kenneth Timmerman stated that "the government had the same type of person in the local Islamic center doing recruiting and acting as a

link. In Rabbani's case this is much clearer, however, since the Iranian government issued him a diplomatic passport, and they had only one possible reason for giving him this passport: to provide him with diplomatic immunity" (p. 76/80 of file 352).

The statements made by special FBI agent James Bernazzani at our offices are also highly relevant here. He said that Iran has a theocratic government, and since the mullahs "control the country", the most trusted person in any Iranian embassy, and in the eyes of the mullahs, is the cultural attache. Bernazzani also said that each of the various groups that participates in a terrorist operation has its own leaders. And with regard to the matter of interest to us here, he pointed out that "the only person that knows the three group leaders is an extremely trusted person, possibly the cultural attache of the Iranian embassy" (p. 121.946/121.950).

Concerning the analysis of the most direct support that was provided for the AMIA attack, it should be noted that, according to Abolghasem Mesbahi, one of Rabbani's assigned tasks in connection with the bombing was to make the necessary arrangements for obtaining the vehicle that would be used in the operation. Rabbani was also in charge of the following: providing a location where the van could be hidden for a few days; arranging for the bomb to be armed in Buenos Aires; and gathering geographical and security information concerning the route to the target. Mesbahi found out about these circumstances from Jamid Khamal, whom Rabbani had talked to about this matter (testimony before the *Tribunal Oral en lo Criminal Federal No. 3*, cited above).

It is also a fact that in 1993 Rabbani was observed in the act of shopping around for a vehicle with the same characteristics as the one used for the AMIA bombing (see photographic material, p. 1.378/1.387 (reverse)).

In this regard, the Secretariat of Intelligence indicated that in May and November of 1993, Rabbani made inquiries about purchasing a Renault Trafic van, both at a dealer by the name of Rubén located on avenida Juan B. Justo 7285 in Buenos Aires, and at a used car dealer at number 7575 on the same street. However, no purchase was made (report p. 5.203/5.245 of case 1627).

Said inquiries concerning the purchase of a vehicle were confirmed by the testimony of Jaime Isidoro Jarmatz, who was employed as a salesperson at a company by the name of Nalman, which is located on Av. Juan B. Justo 5900 in Buenos Aires. Jarmatz testified in this regard that an Iranian national inquired about the price of a red Renault Trafic van; that said individual indicated that he had a large family; and that he offered to pay 19,500 pesos for the van in cash. Jarmatz stated that the individual identified himself as “Rabbany”, but did not purchase the vehicle (p. 3.109/3.109 (reverse). These circumstances are substantiated by the copy of the notebook that Jarmatz brought in, containing the annotations "trafic", "Mr. Rabbany" and the phone number "695272" (p. 3.110 (reverse)). Said phone number was that of the apartment on Cervantes 883, 2nd floor in Buenos Aires where Rabbani lived.

The testimony of Juan Carlos Arguelles (p. 1.984/1.986 (reverse)) – who worked at the Ombú Automotores car dealership on av. Juan B. Justo 7501 from June 1993 to April 1994 – confirms that from the time Rabbani returned from Iran until January 1994, he continued exhibiting an interest in Renault Trafic vans, in that Justo recalled that between December 1993 and January 1994, Rabbani inquired about purchasing a Renault-Trafic van; and Justo recognized Rabbani from a photo.

Other testimony in the case indicates that Rabbani was interested in purchasing a vehicle that was the size of a van.

Hassin Salomón recalled that prior to the AMIA attack, Rabbani had indicated to him that he planned to purchase a van so that he could transport Instituto Árabe-Argentino Islámico students (p. 4.874/4.878 (reverse) of case 1627).

César Gabriel Duarte confirmed this, stating that Rabbani had told him that he planned to purchase a Trafic van, although in this case Rabbani said that he needed the vehicle to transport parcels (p. 3.680/3.688 (reverse) of case 1627).

Alfredo Miguel Barcia had been told by "Madani" that prior to the AMIA attack, Rabbani had been interested in purchasing a Renault Trafic van, apparently to transport brothers from the Cañuelas mosque to Buenos Aires (p. 1.288/1.290 (reverse) of file 251).

All of the aforementioned testimony demonstrates beyond any doubt that Rabbani was interested in purchasing a Renault Trafic van. The testimony also reveals that Rabbani gave quite dissimilar reasons for wanting to purchase such a vehicle, with the result that once it had been established that a Renault Trafic van was used to blow up AMIA, the purported uses that Rabbani had ascribed to the van raised strong suspicions concerning the real reason for his interest in such a vehicle.

Moreover, on being asked, during a TV interview after the bombing, about his inquiries into purchasing a Trafic van, Rabbani initially responded by denying that he had ever made such inquiries, and then acknowledged that what he actually needed was a passenger car for the Cultural

Bureau. These statements strengthen the suspicions described above (see transcript of the TV interview, p. 8.184/8.189 of case 1627; the video of the interview is in the secretariat at p. 8.196).

In another matter, as was mentioned above, the movements of funds attributed to Rabbani during the months leading up to the AMIA attack merit close consideration.

The total debits from Rabbani's bank accounts from 1992 until 18 July 1994 amount to USD302,000. In the 6.5 months leading up to the attack (1 January-18 July 1994), Rabbani withdrew USD186,000, and during the remainder of the year an additional USD97,588.

Hence it appears to be confirmed that over the course of 1994, Rabbani withdrew USD284,388 from these bank accounts, a fact that (a) strengthens the suspicion that he was providing financial support for the envisaged attack on AMIA; and (b) is consistent with Mesbahi's statement to the effect that Rabbani was the main person in charge of the local logistics for the operation.

Moreover, suspicions that Rabbani had ties to the operational group that carried out the attack are strengthened by an analysis of the use of the cell phone whose number was 474-3004 on key dates with respect to the present investigation.

The date on which Rabbani requested this cell phone is anything but happenstance, inasmuch as this occurred on 22 June 1994, via request for service no. 80.724, (on file in the secretariat). Said service was then activated by the relevant phone company (p. 12.506 of case 1627).

It should be noted that 11 years after moving to Argentina, three months after having been appointed to a diplomatic post, and less than four weeks prior to the AMIA attack, Rabbani suddenly decided to purchase a cell phone subscription, despite the fact that prior to this time he had shown no interest in using this type of service. It can be inferred from this – at a minimum – that Rabbani needed the cell phone in order to realize the logistics activities and remain reachable at all times, as we shall see below.

Moreover, and as shown elsewhere in the present report, in pronouncing sentence on 29 October 2004, the *Tribunal Oral en lo Criminal Federal No. 3* accepted as proven that "at approximately 6 p.m. on 15 July 1994, a person parked a Renault Trafic van (whose license plate number ended with 8506) in a parking lot by the name of Jet Parking (located at Azcuénaga 959 in Buenos Aires), placing said vehicle in the front of the parking lot, in the area facing said street. Toward this end, the individual paid $100 in cash for a period of 15 days, and in so doing provided certain information for the completion of a parking form" (2.876/2.877 of said decision).

The ruling also describes (2.878/2.881) the statements of a Jet Parking employee by the name of José Antonio Díaz, who testified to the suspicious events that occurred when the van was being parked, namely that the van stalled, followed by the abrupt appearance of a second individual who disappeared after getting the car started again.

It is significant in this regard that in describing the procedure that a car bomb usually follows for operations such as the AMIA attack, Abolghasem Mesbahi testified that when the vehicle enters the parking lot, there are local elements that monitor the area. (p. 3.448/3.46l of file 204).

In the present case, in addition to the suspicious appearance of the second individual that was referred to by the witness Diaz, a fact that strengthens the suspicions against Rabbani with regard to this aspect of the AMIA attack is the phone call that was detected at 6.22 p.m. on 15 July 1994 as having been placed from Rabbani's cell phone (whose number was 474-3004) to the number 69-7440 which was located at the At-Tauhid mosque, since it has been accepted as proven that said call was placed from an area that was adjacent to the Jet Parking parking lot and that was covered by the relevant cell by the name of Lasalle.

It should be noted that the mobile telephony system has physical facilities known as radio bases that allow phone calls to be placed and maintained. Middle East These apparatuses are installed at various geographic locations within which one or more cells operate. Each cell has a set of transmission and reception antennas that determine said cell's coverage area.

Hence if a cell phone is located within the coverage area or perimeter of a specific cell, any outgoing or incoming calls that are realized in that area will be handled within it. If the cell becomes overloaded with too many calls (a scenario that was known to be rare at the time of the attack owing to the relatively low number of users of cells phones at the time), cell phones that originate calls are routed to another cell, which is known as a "neighbor."

55 minutes after Rabbani made the call from the environs of Jet Parking to the At-Tauhid mosque (and, as we have seen, a few minutes after the car bomb was successfully parked in said parking lot), a phone call was placed from the pay phone on calle Nazca 1744 (which is located less than ten meters from AMIA) to the owner of a cell phone (Andre Marqués) that was located in Foz de Iguazu, from which location the operation was coordinated. Said call was presumably placed in

order to inform the Hezbollah elements that were located in the Triple Border area that this phase of the operation had been successfully completed.

It can be stated with certainty – as can be seen from the report by the telephony provider Miniphone (p. 23.972/23.975) and the testimony of the Miniphone technician (p. 41.751/41.752 (reverse)) – that Rabbani was the individual who monitored the entrance into and parking in Jet Parking of the Renault Trafic van that was used as a car bomb, since Rabbani's cell phone was used in the immediate environs of said parking lot less than 20 minutes after said van was successfully parked (Miniphone report, p. 23.774/23.775 concerning the geographic area covered by the Lasalle cell, and the actions realized by the provider Unifón, p. 12.091/12.092 of case 1627).

The aforementioned call's 26 second duration is another significant fact that supports the supposition that the call was placed for reasons of logistics control. In our view, and pursuant to the relevant chart (p. 23.972), a 26 second call was sufficient to confirm that the future car bomb had been successfully parked, and to coordinate any other information concerning further actions that were to be taken.

Following the AMIA attack, Rabbani was in charge of speaking for Iran in the court of public opinion. In view of this fact (proven by a number of newspaper articles) the statement by Hadi Roshanravani makes sense, to the effect that Rabbani had informed his superior Mohammed Ali Taskhiri that "this operation has enhanced our prestige within the Argentine Islamic community,

and if we are not convicted of this crime in a court of law, we will be in the position of winners, albeit with certain limits" (p. 129/136 of file 209).

César Gabriel Duarte testified that on the day of the attack he was working with Rabbani, and that his task was to compile notifications concerning the attack and fax them to an unknown recipient, although it is suspected that said recipient was an Iranian government ministry, since Rabbani himself dialed the number for the fax transmissions. Duarte also stated that the documents that were sent "...were not newspaper clippings since the attack had been carried out in the morning and no such article had been published yet – but instead, Rabbani sent information in Farsi about what was happening in Buenos Aires" (p. 3.680/3.688 (reverse) of case 1627).

As we shall see, the approach Rabbani adopted in carrying out his defensive strategy in dealing with local journalists involved emphasizing how important Argentina was for Iran in light of the current trade relations between the two countries.

In this regard, three months following the attack, the journalist Olga Wornat from the magazine *Gente* wrote that "...they need a scapegoat. In addition, when they talk about the "Iranian trail", I ask myself: How could it possibly benefit Iran to carry out an attack in Argentina, a country from which it purchases millions of dollars worth of its raw materials each year?" (see the copy of the article in the secretariat).

In an interview with the newspaper *Página 12*, Rabbani said the following to his interviewers Román Lejtman and Raúl Kollman: "Since I came to Argentina in 1984, Iran has made purchases totaling 12 million dollars, and we haven't sold a thing to Argentina. The idea that we could have placed a bomb to destroy a relationship of this kind is absurd" (interview published on 12 October 1995, p. 104.667).

These circumstances strengthen the allegations we have leveled against Rabbani, whereby here as well, we regard him as having acted as a spokesperson for the Iranian regime in Argentina, and as an individual whose actions were wholly consistent with the defensive strategy that was deployed involving the formulation of arguments that would allay any suspicion that Iran was involved in the attack. This defense – apart from constituting a childish excuse – can be regarded as yet another element in the criminal plan devised by Iran's highest authorities.

In addition, César Gabriel Duarte testified that in September 1995, the Cultural Bureau, which was headed by Rabbani, relocated from the building on calle Martín Coronado to Esmeralda 847, which was the location of Iran's commercial representative at the time, known as GTC. As pointed out previously, representatives of the Iranian ministry of Jihad-Sazandeghi (Ministry of Reconstruction) also operated out of this building. Alicia Borrajo, who worked as a secretary at GTC until September 1995, testified that on her last day of work at GTC, she handed the keys to the building to Rabbani, since the building had been rented by the Cultural Bureau, notwithstanding the fact that it had been purchased a short time previously by representatives of GTC (p. 38.313/38.320 (reverse) of the "Embassy" case).

Rabbani left Argentina on 21 September 1997 on an Iberia flight to Europe, using diplomatic passport no. 3552 (see: copy of the immigration form and documentation in the secretariat; and 152/186 of file 199 and p. 17 of the Annex "Mohsen Rabbani").

This departure became definitive on 18 November 1997 when the Argentina Foreign Ministry notified the Iranian chargé d'affaires Sadatifar that Argentina did not wish Rabbani to return to Argentina. In this regard, the head of the North African and Middle East section of the Argentine

Foreign Ministry stated as follows to the Iranian chargé d'affaires: "Pursuant to a decision by the Argentine government, we do not wish Mohsen Rabbani to return to Argentina or exercise his functions here, in view of information indicating that activities were realized that are inconsistent with his diplomatic mission...in making this request, we also ask that the Iranian government cooperate so as to obviate the necessity of formally declaring Mr. Rabbani persona non grata" (see SEREE note no. 140/97 sent to the Secretariat of Intelligence in folder 377 in this office, on file in the secretariat).

On 20 November 1997, at the request of the Iranian government, authorization was granted "as a very special measure" for Rabbani to enter Argentina for a period of four days to take care of his personal affairs. However, this authorization was not used (see the aforementioned note and newspaper articles at the time, on file in the secretariat).

According to the available information, after leaving Argentina, Rabbani took up a position in the city of Qom.

An article entitled "Un discípulo de Rabbani" ["A Rabbani disciple"] that appeared in the 13 August 1998 edition of the Buenos Aires newspaper *Página 12* reported that the newspaper had encountered, in Paris, a convert to Islam who had spent several months studying at the Islamic Studies and Research Center in the holy city of Qom. According to this student, Mohsen Rabbani was one of the center's most influential professors, and was apparently in charge of making contact with students in the Hispanic world, particularly in Latin America. The article also stated that this information had been confirmed by "very highly placed" sources, which characterized Rabbani as someone who "deals with the international relations of certain theological seminaries in that many

Latin American students carry out their work under his supervision (see copy of the article in the documentation on file in the secretariat).

The aforementioned is completely consistent with the statement by Hadi Roshanravani to the effect that Rabbani was in Qom at this time and was serving as a consultant on Latin American affairs (p. 129/136 of file 209).

Roberto Rubén Medina also corroborated this, stating that in January 1998, he spent two years studying religion in Qom. He said that during this period Rabbani was also living in Qom, where he held a position in what was termed a "cultural" office whose activities included the publication of Spanish language books and translations of Arab and Farsi texts (p. 1.303/1.308 (reverse) of file 251).

In the preceding pages, we have attempted to summarize the information that has been gathered concerning Rabbani's time in Argentina, the manner in which he established himself here, the activities he realized as an emissary of the Iranian government, and the concrete support he provided for the AMIA attack.

In light of Rabbani's training and ideological profile, he can be accurately described as a representative of the most extreme hard line ideology of the Iranian revolution (as personified by Ayatollah Khomeini), who came to Argentina in the early 1980s as part of a strategy aimed at spreading the ideas of the Iranian revolution to Latin America.

We have determined that in the interest of carrying out these objectives, Rabbani had the capacity to establish the basis for the realization of an infrastructure that had the wherewithal to further the

interests of the Iranian government in Argentina. This structure saw the development of a political-religious group known as Hermanos Musulmanes Argentinos, which had the capacity to cement contacts with local groups and influence the Islamic community in terms of disseminating political and ideological views of a violent nature whose main impulse originated with the then-government of Iran.

We have determined that Rabbani had ties to Hezbollah, and was provided with the financial support needed to implement the aforementioned policies and establish himself as the main representative of Shiite Islam in Argentina, via the control Rabbani exercised over Argentina's most important mosques, which were not only conducive to ideological replication, but also served as secure bases for the recruitment of individuals that were sympathetic with the most radical strain of Islam.

Once the infrastructure established by Rabbani had been rendered ideologically homogenous, he was in a position to become directly involved in the realization of the AMIA bombing, within the context of calls for the "exportation of the revolution" couched in violent discourse.

It has been proven that Rabbani was involved in the Iranian government's selection of enemy targets, and it has been corroborated that he acted as an adviser at the 14 August 1993 meeting where the decision to carry out the AMIA attack was made.

But we have seen that during the period in which Rabbani was establishing himself as one of the main architects of the AMIA attack, he was also abruptly given diplomatic immunity, clearly with a view to protecting him against prosecution at a later time.

It has been determined that Rabbani personally committed himself to helping to carry out the criminal plan, and that he was the principal coordinator of local logistics.

Rabbani made inquiries concerning vehicles whose characteristics were identical to those of the vehicle that was used in the AMIA attack. This has been substantiated by the following elements: employees of the relevant vendors, some of whom have provided notes that include Rabbani's name; one of Rabbani's contact phone numbers and the name of the vehicle that Rabbani inquired about. The foregoing also appears to be corroborated by the photographic material that was referred to above.

It has also been established that Rabbani had at his disposal considerable sums of money that could have been used to finance the attack. It has been shown that over the period that was analyzed for the present investigation (a) the flow of funds into Rabbani's accounts increased progressively; and (b) over the course of 1994 Rabbani withdrew USD284,388 from said accounts. In the 6.5 months leading up to the attack (1 January-18 July 1994), Rabbani withdrew USD186,000, and during the remainder of the year an additional USD97,588.

It is particularly noteworthy that Rabbani maintained a U.S. dollar savings account that was opened on 23 December 1993 (shortly after his return from Iran, where he had participated in the meeting at which the decision was made to carry out the AMIA attack), to which a total of USD150,812 was transferred from abroad, on 22 March and 14 April 1994, which are key for the present investigation. Of this amount, Rabbani withdrew USD94,000 prior to 18 July 1994, and USD45,588 during the two months following the attack. On the basis of an analysis of the remaining evidence in the case, it is reasonable to infer that Rabbani used the funds from these accounts to defray expenses that were connected to the realization of the AMIA attack.

We have also established that Rabbani monitored the entry into the parking lot of the vehicle that was used in the attack – the parking lot which is the last place this vehicle was seen prior to the bombing. In addition, the cell phone that had been purchased shortly before the AMIA attack was used in close proximity to the Jet Parking parking lot less than 20 minutes after the Renault Trafic van had been successfully parking in said parking lot. The aforementioned phone call lasted 26 seconds, which was enough time to confirm that the van had been successfully parked. Less than 60 minutes later, a call was placed from a pay phone at Nazca 1744 (near the At-Tauhid mosque) to a cell phone located in Foz de Iguazu, presumably for the purpose of informing the Hezbollah network in the Triple Border area that this phase of the plan had been completed.

And lastly, we have shown that Rabbani was the spokesperson for Iran when it came to throwing up a smokescreen concerning possible responsibility of the Iranian government for the AMIA attack; and that these actions appear to have been realized in order to carry out a strategy that had been defined by Rabbani's superiors.

On the basis of the evidence in the case as summarized thus far in the present report, it has (in our view) been established that Rabbani was the main person in charge of local logistics for the AMIA attack. We feel that the evidence is sufficient to justify our request that a national and international request for capture be issued for Mohsen Rabbani on the grounds that his responsibility for the attack appears to have been proven.

VII. THE IRANIAN GOVERNMENT'S ATTITUDE FOLLOWING THE ATTACK

Following the AMIA attack on 18 July 1994, despite public statements by some Iranian officials offering Iran's cooperation with the investigation of the attack, the Iranian attitude was anything but cooperative, as is demonstrated by the evidence in the case.

The first noteworthy Iranian reaction to the AMIA bombing came on 27 July 1994, at which time Iran's permanent representative of Iran to the United Nations sent a letter to the secretary general of the United Nations responding to document S/1994/1847 (letter from Israel's permanent representative to the United Nations to the president of the UN security council).

The key passages of the letter aim to refute the accusations leveled by Israel's permanent representative and enumerate a series of actions which, in the view of the Iranian representative, demonstrate that "the Zionist entity itself regards terrorism as an acceptable means to achieve its political objectives..." (p. 842 of file 204).

The foregoing notwithstanding, Iran's letter also states that Iran "...vigorously condemns terrorist acts committed against innocent persons, regardless of their nationality or convictions. As for the recent bombing attack in Argentina, the Iranian ambassador to Argentina has been keeping in close contact with officials of the Argentine Foreign Ministry and has offered them his full cooperation and assistance in connection with the investigation..."

The initial formal offers of cooperation in investigating the attack (anticipated by Iran's permanent representative to the UN) were confirmed by Andrés Agustín Cisneros, who was secretary general of the Argentine Foreign Ministry and later second in command of said ministry.

In his testimony, Cisneros recalled that he had had routine conversations with the Iranian ambassador to Argentina in which the latter complained about the generalized suspicion that created the impression all over the world that his country was involved in terrorist acts. Cisneros stated that when he encouraged the Iranian ambassador to provide all of the information at his disposal, the ambassador stated that "of course his country would cooperate with the investigation" (p. 102.858/102.862 (reverse)).

As we shall see, to this day such offers have proven to be nothing but empty and broken promises. What is certain, however, is that over the course of the investigation the Iranian government has engaged in practices – and not only in the diplomatic sphere – that have tended to prevent the investigation from going forward.

The following piece of information in connection with our own investigation is noteworthy in this regard, to say the least: the witness Mesbahi alluded to a meeting of Iranian officials where one of the topics of discussion was "how the Iranians' situation could be cleared up, the goal being to enable Iran, and the fact that there might be proof of Iranian participation, to move to a second level on the basis of good trade relations with Argentina." Mesbahi also stated that at this meeting, the possibility of purchasing 100,000 tons of rice was discussed, and suggested that the goal of the strategy was to widen the scope of trade relations with Argentina so that the event would be

forgotten, and as a way of sending a signal that no such events would occur in the future (p. 141 of file 204).

In his testimony before the *Tribunal Oral en lo Criminal Federal No. 3*, Mesbahi testified the following in connection with the hypothesis described above: Iran was increasing its purchases of Argentine products and was urging Iranian companies to focus on the market for Argentine products. According to Mesbahi, Iran analyzed this strategy, which it regarded as a way to gain a better position in Argentina (p. 4.105/4.137 of file 204).

In the interest of substantiating this hypothesis, the Instituto Nacional de Estadística and Censos (INDEC) [Federal statistics and census bureau] was asked to provide the relevant import statistics. The statistical table provided by INDEC (p. 5.283/5.284 of file 204) clearly shows that in the three following the AMIA attack, Argentine exports to Iran quadrupled, a trend that was maintained during the following year as well.

These statistics, combined with Mesbahi's observations, strongly suggest that this increase in Iranian purchases was not in the least a matter of happenstance. In fact, it is safe to say that the goal of Iran's economic policies at this period was to create a dilemma that put Argentina in the position of having to choose between increased export revenue and continuing to insist that the Iranian government was behind the AMIA attack.

Another clear indication of Iran's stance during the post-attack period is the attitude that was adopted toward some of the witnesses in the investigation, particularly Manoucher Moatamer. In the days leading up to the attack he was involved in an incident in Venezuela that culminated in the

expulsion of a number of Iranian diplomats, an event substantiated by Moatamer's testimony and other evidence in the case (p. 789/790 and 809/839, and p. 496/607 of file 392).

Both during and after this period, the Iranian government and press devoted a great deal of attention to Moatamer for the express purpose of casting doubt on his qualifications as a witness and discrediting the validity of his statements as much as possible. This circumstance has been confirmed by various pieces of evidence in the case (p. 21.019/21.024; copy of cable no. 010468 of 22 August 1994 from the Argentine embassy ,p. 5.669/5.687; also substantiated by p. 110/111 of file 392; p. 128/133, p. 235/255, p. 391/426, all in file 392; note dated 11 August 1994 from the Iranian embassy in Germany, p. 32/36 of file 204; and a copy of articles that appeared in the newspaper *Página 12* and the magazine *Gente*, p. 104.667 and on file in the secretariat, respectively).

This attitude on the part of the Iranian government was nothing new, inasmuch as it had adopted a similar practice in the Mykonos case (described elsewhere in the present report) concerning the testimony of Abolghasem Mesbahi, which was crucial in the case since it linked Iranian government officials with the assassination (see ruling of Berlin Superior Court of 10 April 1997 in the Mykonos case; documentation at p. 176/221, at p. 222 of file 204; and an Iranian newspaper article at p. 397, translation at p. 416/417 of file 392).

Thus as we have seen, the Iranian government of the time devoted a great deal of effort (through the local press or the country's embassies) to discrediting the testimony of witnesses who compromised Iran's interests.

Requests by Argentina authorities for cooperation in the investigation of the attack met with a similar response in that Iran actively tried to discredit Moatamer's statements; nor did the Iranian government ever provide so much as a single address of any person residing in Iran who was under investigation in the case.

On 10 August 1994, Argentine foreign minister Guido Di Telia communicated with the Iranian foreign ministry through the intermediary of Ambassador Soleimanpour, by means of a note (p. 106.085/106.087) in which Di Telia made reference to the requests for capture of 9 August 1994. took note of Iran's condemnation of all types of terrorist activities, mentioned the fact that two Iranian diplomats were still in Argentina, and then concluded as follows: "...The Argentine government expects to be able to count on the Iranian government's extensive cooperation with Argentina judicial officials, in such a way that it will be possible for our two countries to maintain a normal relationship. The seriousness of the terrorist attack in which dozens were killed and hundreds injured would render unjustifiable any reluctance to provide all information that your government and any official in it, regardless of rank, may have..."

The Iranian government's response was communicated by a cable (no. 010444/94) dated 12 August 1994, which was then sent from the Argentine embassy in Iran. The letter from foreign minister Velayati was delivered by the director of the Americas, Ambassador Fadaie Fard, who also made the following comments which are reproduced in the cable:

"The note from foreign minister Di Telia of 10 August was insulting and is inconsistent with international diplomatic standards...we feel that the last paragraph of the note in question impinges on the sovereignty and immunity of our government, which is insulting ... Minister Di Telia

indicates that bilateral relations are contingent upon cooperation with the Argentine legal system, which we also consider to be an unjustified threat."

Lastly, the cable (which is on file in the secretariat) mentions, among other things, the ensuing "final comments" by the Iranian embassy official: "We trust that the Argentine government and its judicial system will deal with this matter in an independent fashion... It is very important for the maintenance of our relations that the Argentine government take steps to prevent the publicizing of any accusations against the government of Iran, its citizens and its diplomats."

The requests for cooperation submitted by Undersecretary of the Interior, Ambassador Rogelio Francisco Emilio Pfírter, to the Iranian chargé d'affaires in Buenos Aires were fruitless as well. In his testimony, Pfirter recalled that after the attack he summoned the Iranian chargé d'affaires and asked him if his embassy or government could make any contribution to the investigation of the crime. The response was negative (p. 97.095/97.099 (reverse)).

On 31 August 1994, Argentine foreign minister Guido Di Telia sent another letter to his Iranian counterpart, in which Di Telia pointed out (among other things) that in the first place "the government of Argentina and Argentine judicial authorities make their decisions in an entirely independent manner, and find unacceptable the insinuations that were made concerning the purported influence of third states on the course of the investigation."

After reiterating the Argentine government's commitment to the applicable provisions of international law in connection with consular and diplomatic relations concerning Iranian personnel serving in Argentina, the Argentine foreign minister pointed out Iran's condemnation of all forms

of terrorism, “as well as the assurances received from your government to the effect that you will cooperate with Argentina with a view to clarifying adequately the allegations that have been made...”

Di Telia’s letter concludes as follows: “I can assure you, Mr. Ambassador, that my government values the relationship between Argentina and Iran, and that it will do whatever is necessary in order to reestablish a constructive and fruitful dialogue, an effort that would be greatly aided by elucidation of the AMIA attack" (p. 106.081/106.083).

The testimony of then-deputy foreign minister Fernando Enrique Petrella sheds light on the increase in diplomatic tensions that occurred at this time. Petrella stated (p. 98.246/98.249 (reverse)) that the tenseness of the situation prompted the government of Argentina to recall its ambassador in Iran, which then prompted the Iranian government to recall Hadi Soleimanpour.

Petrella recalled that Iran was very upset with Argentina, including the judge in the case: “in other words, the situation was not very conducive to dialogue at normal diplomatic levels...various gestures were made toward Soleimanpour, including various letters from Foreign Minister Di Tella to the Iranian foreign minister Velayati aimed at getting them to cooperate so that the crime could be solved. Velayati’s responses stopped being cordial and proper in the usual diplomatic style and in some cases, within certain limits, were genuinly aggressive...” (p. 98.246/98.249 (reverse)).

Meanwhile, Argentina’s diplomats in Teheran were being pressured to some extent by local Iranian authorities. Petrella recalled one such instance, where embassy officials were called in at three in the morning and were left in a locked room and ignored for hours.

"We had to modulate the situation so as to ensure that embassy personnel in Teheran – which included Iranian nationals – weren't compromised," Petrella said (see in particular p. 98.248 of his testimony).

In the face of reports indicating that Argentine officials in Teheran were being prevented from leaving Iran on account of the bilateral relationship problems related to the AMIA attack, secretary Susmann from the embassy in Istanbul (a two hour flight from Teheran) was sent to Teheran to verify this information.

In his cable no. 010636/94 (on file in the secretariat) Susmann reported that Iranian immigration authorities were prohibiting him from leaving the country, alleging that his name was included on a "black" list of "problematic" people who were not authorized to leave the country. Iranian authorities retained Susmann's passport on this occasion. As a result of this incident, Rivolta and Susmann met with the deputy director of the Americas section of the Iranian Foreign Ministry, Mr. Edrizi, who was aware of the problem.

Edrizi said that he wished to apologize, although (he said) this was the kind of mistake that could happen in any country. After Edrizi was told that there could not possibly have been any confusion since Susmann's first name was on the list, Edrizi indicated that this is the explanation that he had received from the airport. He returned the passport and stated that this was the end of the incident.

Antonio Martín Rivolta cabled his interpretation of this incident to the Argentine Foreign Ministry (cable 010647 of 7 December 1994). After indicating that the discrepancies in the behavior of radicals and moderates in the Iranian government tended to be more of a product for external consumption aimed at keeping the avenues of communication open, he said as follows: "In our view, following the bilateral incident, all of the names of Argentine diplomats were entered in

the immigration computers so as to delay their departure in the event of any incident with Iranian officials in Buenos Aires; and will remain in there until the Iranian government is sure that no action (including legal action) will be taken against its personnel in Argentina..." (see the aforementioned cable, on file in the secretariat).

In addition, the Argentine embassy in Lebanon reported that on the night of 28 July persons of unknown identity broke into Ambassador Faraldo's residence and stole money. There was another break-in on 3 August, but this time the perpetrators fled after being detected (cable 010400/94 of 4 August 1994, on file in the secretariat).

Hence the attitude of the Iranian government in the wake of the AMIA attack varied between out-and-out denial of any allegation directed at Iranian nationals, attempting to discredit witnesses who contravened Iranian interests, and formal offers to cooperate with the investigation, interspersed with subtle warnings directed at Argentina.

The ups and downs surrounding the various judicial requests in the case clearly demonstrate Iran's total lack of cooperation with the investigation, and clearly show that this uncooperative attitude had nothing whatsoever to do with Iran's national sovereignty or its fundamental interests.

Despite the various gestures that were made by the Argentine chargé d'affaires in Iran, of the five requests for cooperation that were issued by Argentina by order of the judge in the case (on 5 and 16 March 2003) only two have been accepted by the Iranian authorities, and none have received a response to date (reports by the director general of legal affairs of the Argentine Foreign Ministry,

p. 110.669, 111.045, 111.072 and 112.294, and copy of cable 010235/2004 from the Argentine embassy in Iran, p. 114.042/114.043).

In this regard, on 22 October 2003, the director of legal affairs of the Argentine Foreign Ministry notified the investigation that pursuant to a note from the Iranian Foreign Ministry to the Argentine embassy in Iran, the two rogatory letters that were received were sent to Iranian judicial authorities so that they could study them. This note also reiterated that no Iranian national or citizen had any information or had played any role in the event of 18 July 1994 (p. 111.994 and p. 112.057, and cable mentioned above).

This was far from the first time that the Iranian government had exhibited obstructionist behavior of this type. On 31 October 1994, the then-prosecutors in the case met with Roland Chatelain, who was the judge for the case involving the assassination of Kazem Radjavi, which is described in detail elsewhere in the present report. According to the minutes of the meeting, the judge "indicated that he had sent a formal diplomatic request [to Iran] that Iran had never answered... Nevertheless, he received a visit from the Iranian ambassador, who promised to cooperate in any way that was necessary, and at the same time blamed the mujahidins for the murder. The Iranian ambassador also stated that the Iranian addresses included in the case did not exist, the Swiss ambassador's assertions to the contrary notwithstanding" (p. 5.815/5.823).

One alarming aspect of the Iranian attitude toward the investigation of the AMIA attack was the attempt to negotiate information as a quid pro quo for quashing suspicions concerning Iran's involvement in the bombing and definitively ruling out any Iranian connection with the event.

On 3 April 2005 the Argentina chargé d'affaires in Iran submitted to the director of the international legal affairs department of the Iranian Foreign Ministry a note containing a new

request concerning the AMIA bombing case. On 19 December 2003, information was requested concerning the Argentine nationals Carlos Alberto Lelli and Margarita Norma Santilli (p. 1.232/1.234 of file 402).

After reading the request, the Iranian official stated that he was unable to accept it in its present form since, for policy reasons, he needed to consult with the higher authorities of his country. The official promised to provide a response in the near future concerning the admissibility of the request, stating that he felt the request was admissible since it concerned an Argentine national, and in this sense differed from previous rogatory letters in this case which "always contained some sentence or other" (by which the official meant inappropriate wording).

The Argentine chargé d'affaires reminded his interlocutor of the rogatory letters that allegedly contained inappropriate wording and which the Iranian Foreign Ministry had refused to accept.

The Iranian official then asked that the following be communicated: "his wish that the Argentine authorities evaluate the possibility that Judge Corral might consider 'rephrasing' the content of the rogatory letters that were not accepted by Iran."

The Iranian official insinuated that "the judge could rewrite and correct some of the biases contained in the previous rogatory letters asking for the same things that Galeano had requested, such that the new rogatory letters would replace the prior ones" (Foreign Ministry report, p. 3.653/3.655 of file 402 and p. 116.381/116.383, where there are also transcripts of the expressions that the Iranian official regarded as inappropriate in the rogatory letter (issued on 5 March 2003)

concerning the current addresses of Ali Fallahijan, Mohsen Rabbani, Barat Ali Balesh Abadi and Ali Akbar Parvaresh).

Following this, the Iranian diplomat modified his previous positive prognosis with regard to possible acceptance of the new rogatory letter, indicating that obtaining a response from his superiors would be conditional upon the terms that were recorded by the "note taker" that accompanied the Argentine official.

The Iranian official's letter states as follows: "...If we assist the Argentine judicial authorities: a) Won't we be regarded as suspects? b) What if we accept the rogatory letters and respond to them? [...] Would the judge be willing to announce and declare unequivocally that there is no connection between any Iranian national and the AMIA bombing? c) Will the case remain open if we respond? d) How can we know whether the judge will close the case or not?"

Elsewhere, the letter states: "The main issue is that we need to be absolutely sure that if we cooperate, the judge in the case will reach the conclusion that such and such persons were not involved in the AMIA attack. It should be noted that since 19 July 1994 we have expressed our willingness to cooperate with Argentine judicial authorities, and our position/offer is still valid. If we receive objective guarantees, tangible things (tangible results), it will be no problem for us to a) accept all of the rogatory letters; b) respond to all of the rogatory letters; c) plus: carry out some investigations in Iran at a later time..." (Foreign Ministry report, 27 April 2005, p. 3.653/3.655 of file 402 and p. 116.381/116.383).

In regard to this matter, on 4 August 2005 the Department of Legal affairs of the Argentine Foreign Ministry notified the Argentine embassy in Iran of a meeting that had been held on 31 July 2005 (pursuant to instructions from superiors) between officials from the Argentine embassy and the Iranian director of international legal affairs Mohsen Baharvand, concerning the four rogatory letters whose acceptance was pending, and the response to two of these requests on the part of Iranian judicial authorities.

During this meeting, the Iranian representative adopted the same stance. After reiterating Iran's official position, Baharvand asked that the following message be transmitted to Judge Corral: "In a gesture of international reciprocity and courtesy, inasmuch as our two countries have not entered into a treaty concerning mutual judicial assistance, we would be prepared to accept and respond to the rogatory letters from Argentine judicial authorities. We do not wish to create any unnecessary problems with the bilateral relationship, but we do need to know what would happen if we do respond to these rogatory letters. There is a suspicion here that the next step would be the reiteration and continuation of the accusations. We need to be given assurance in this regard and we need to see a light at the end of this road, and reach an agreement that will result in a situation where both parties are winners, and not where one wins and the other loses."

The message continued in the same vein, as follows: "We need this perspective in order to accept and respond to the rogatory letters, since after all this involves Iranian government officials and not ordinary citizens. In any case, each time one party has something to offer, he expects to get something in return (...) The Iranian side is extremely flexible when it comes to the rogatory letters.

But we only complicate things when it is absolutely necessary to do so *[sic]* and this is not the case with our relations with Argentina" (p. 117.251/117.253).

According to the Foreign Ministry, a cable and note from the Argentine embassy in Iran (cable p. 118.677, accompanied by note 14780) of 14 September 2005 reported on a meeting between Argentine officials and Baharvand, who handed over a non-paper containing a proposal for an agreement between Argentina and Iran.

Baharvand admitted that "the document might not be to your liking," but insisted that it was "something preliminary that is subject to change" and further discussion (p. 118.680; translation at p. 118.952/118.953bis).

Following a sort of preamble that refers to various basic principles of international law, the document outlines a bilateral agreement whose main points are as follows:

"1. The parties accept that no accusation has ever been made against any Iranian citizen concerning the AMIA case. Nonetheless, the proceeding that the Argentine judge in charge of the investigation is conducting with respect to Iranian citizens was initiated for the sole purpose of gathering information.

2. The parties...shall abstain from making any direct or indirect criminal inference or accusation concerning the other party or its officials.

3. The rogatory letters issued by the Argentina judge shall be amended in such a way that they contain no allegation or accusation of an explicit or implicit nature against the Iranian government or its citizens...

4. After the actions requested above have been carried out, the Iranian Foreign Ministry will officially accept the rogatory letters...

5. The Argentine party...shall rescind any request for capture that has been issued by the judge in the case against any Iranian citizen..."

These passages appear to state clearly the Iranian government's position, which is that in order for Iran to respond to the various requests for cooperation from Argentine judicial authorities, Argentina will first have to agree that no Iranian official and/or citizen will be accused of any crime in connection with the AMIA attack.

Recent proposals that Iran has made concerning judicial cooperation between the two states, and the conditions in this regard that the Iranian government has tried to impose, are in the same vein.

In a note we received on 18 May 2006 from our Foreign Ministry, the director of the Americas section of the Iranian Foreign Ministry notified the chargé d'affaires at the Argentine embassy in Teheran that his country is in the process of assessing the possibility of officially accepting some of the pending rogatory letters in the case. The same unacceptable conditions as before make their appearance in this communication, which states that the rogatory letters will be officially accepted "insofar as said letters do not contain any accusations against Iran or any of its officials..." (note 6545 letter DIAJU, ZCRJA from the Argentine Foreign Ministry, p. 121.413).

On the following day, we sent an official communication to Iranian foreign minister Jorge Taiana asking for the context in which the aforementioned document was formulated, as well as its background and scope. In the same communication (p. 121.421/121.422 (reverse) item VII), and since this is the only viable possibility, we reiterated that it is very important for the investigation that Iran comply with the previously issued rogatory letters, and urged the Argentine minister to make the necessary diplomatic arrangements toward this end (p. 121.443).

We received the Iranian response on 28 June 2006 (note 8996, letter DIAJU, ZCRJA) from the Department of International Judicial Assistance of the Argentine Foreign Ministry, which apart from the content of a new note from Mr. Taiana, also drew our attention to the informal manner in which the aforementioned proposal for cooperation had been provided, namely verbally over lunch (p. 121.825/121.826).

The letter from the Iranian foreign minister to his Argentine counterpart stated as follows: "Despite my displeasure and that of my government with the groundless accusations against Iranian citizens and officials, I would like to inform you that the government of Iran is prepared, in accordance with the principles and standards of international law...to foster and develop its relations with all of the world's governments, and particularly with Argentina..."

Mr. Taiana then described the instructions that had been issued with a view to facilitating judicial relationships, but then immediately – and as was expected at this juncture – added Iran's specific conditions: "...It is my hope that Argentine judicial authorities will avoid any groundless accusations against Iranian citizens by rescinding the requests for capture that were issued by the former judge in the case."

In our investigations and in the present report, we have described the basis for our belief concerning the responsibility for the AMIA attack – which we feel has been proven. In so doing, we have not only avoided any groundless accusation, but have also provided strong evidence supporting the suspicions concerning participation in the AMIA attack – suspicions directed at various persons, not on account of their politics, ideology, religion or nationality, but on strictly legal grounds, which is the only dimension that is of interest to us.

Our analysis of all of these actions by the Iranian government clearly reveal the symmetry between said actions and the "gestures" realized by the Minister of Intelligence Ali Fallahijan, who during conversations with German foreign minister Schmidtbauer in October 1992 tried to convince Mr. Schmidtbauer to suspend the upcoming trial (on the 23rd of that month) of the perpetrators of the assassinations in the Mykonos restaurant on 17 September 1992.

During his meetings with Schmidtbauer, Fallahijan repeatedly tried to steer the conversation around to the subject of the upcoming trial, stated that the defendants were innocent, claimed that Iran was being unjustly incriminated, and asked Schmidtbauer to take measures to cancel the trial. In making this request – which was categorically denied – Fallahijan mentioned Iran's previous assistance, namely the influence that Iran had exercised on the Hammadi clan in Lebanon to liberate the German hostages there (see p. 351/352 of the ruling in the Mykonos trial).

On this occasion Fallahijan offered to take all measures necessary to investigate the assassinations. But nothing came of this offer. In fact – and here we see the similarities with the AMIA case – the Iranian authorities tried to slow down and delay the proceedings by attempting to prevent some witnesses from being interrogated by the German judges. Some of the witnesses were

unable to testify because the requisite procedures were held up, and excuses were fabricated concerning some witnesses that were going to testify at the German embassy in Teheran. In other cases, irrespective of whether or not the witnesses had been interrogated at the Germany embassy, they were prevented form leaving Iran to testify in the trial.

Once all of the testimony had been given and could no longer be included in the case, the Iranians relented. A few days before the closing arguments began, the Iranians indicated that the witnesses could now be interrogated.

The German court indicated that "this fact – which cannot be reasonably regarded as constituting assistance in moving forward with the proceeding – is clearly indicative of a delaying tactic in connection with the non-appearance of the witness Nurara." (see Mykonos ruling, p. 352/355[66]).

` In the present section, we have attempted to describe the attitude of the Iranian government following the AMIA bombing. The facts presented here clearly indicate that every step along the way, Iranian officials have attempted to obstruct the investigation of the crime.

In comparing what has happened in the AMIA case and other terrorist attacks that have been attributed to the Iranian government, we have found that the Iranians habitually attempt to discredit witnesses, abrogate all of the principals of international law concerning judicial cooperation, and exhibit arrogance – all of which appear to be emerging as rules of conduct for Iran in its relationships with other countries whenever Iranian interests are involved.

[66] Translator's note: *sic* in the Spanish (one quote on two different pages, three pages apart)

Our summary of what has occurred in connection with the rogatory letters issued in the case clearly demonstrate Iran's attitude. The Iranian positions that we have described are anything but isolated instances of the behavior of an Iranian official. To the contrary: the repeated refusals to accept or respond to the rogatory letters that have been submitted constitute official positions and government policy when it comes to the conduct of relations within the context of international law.

The conditions that Iran has imposed on judicial cooperation with Argentina are genuinely injurious from the standpoint of a nation of laws. All of the positions that the Iranian government have taken leave no room negotiation, since the cooperation is transformed into an interchange of guarantees of impunity – a circumstance which, apart from being totally unacceptable, appears to represent a total unawareness of Argentina's sovereignty over the events that occur within its territory.

VIII. THE ORGANIZATIONAL STRUCTURE THAT CARRIED OUT THE ATTACK: HEZBOLLAH

a) The report up to this point has covered the following: a description of the conceptual underpinnings of terrorism; an overview of the rise and development of the theocratic revolution that was established in Iran; an analysis of the actions connected with the then-Iranian government that culminated in the AMIA attack, including the most relevant background; a description of the so called "matrix of terrorism;" the modus operandi of the "intelligence service" that was established in Buenos Aires; and the role played by each of the officials in the various elements of the chain of events that led up to the attack.

Hence, it is now necessary to describe the history of Hezbollah – the Islamic organization that played the largest role in the attack – not only because Hezbollah was responsible for the attack, but also because they carried it out at the behest of the Iranian government.

The analysis will be realized from a number of standpoints, including Hezbollah's structure, leadership, methods and history.

But before doing this, we will describe the etymology of Hezbollah's name, since it sheds light on the organization's ideological underpinnings.

Concerning the Arabic word Hezbollah, Souleymane Bachir Diagne, states as follows: "Hizbullah (hezbollah). from hizb - party, faction, and Allah – God, party of God. The concept of 'party of God' occurs in the following verse from the Koran: 'And whoever takes Allah and His apostle and those who believe for a guardian, then surely the party of Allah are they that shall be triumphant'; (chapter 5, verse 56). In the same vein, verse 58 of chapter 22 says as follows: 'You shall not find a people who believe in Allah and the latter day befriending those who act in opposition to Allah and His Apostle, even though they were their (own) fathers, or their sons, or their brothers, or their kinsfolk; these are they into whose hearts He has impressed faith, and whom He has strengthened with an inspiration from Him: and He will cause them to enter gardens beneath which rivers flow, abiding therein; Allah is well-pleased with them and they are well-pleased with Him these are Allah's party: now surely the party of Allah are the successful ones.'

Chapter 58 verse 19 contrasts the adherents of party of God and the party of Satan: 'The Shaitan has gained mastery over them, so he has made them forget the remembrance of Allah; they are the Shaitan's party; now surely the Shaitan's party are the losers.'

In their book *An A to Z of the Middle East,* Alain Gresh and Dominique Vidal state that Hezbollah was created in 1982 – "a crucial year for the history of Lebanon, which was ravaged by civil war" – as a result of the "federation of various groups that were opposed to the majority faction represented by the Amal movement, led by Nabi Berri. The following three factors contributed to the emergence and consolidation of Hezbollah: the radicalization of the Shiite community; the Iranian revolution; and the resistance to the Israeli invasion of Lebanon" (op. cit., p. 203).

Among the other factors that enabled Hezbollah to coalesce into full fledged organization were the resurgence of the Shiite community in Lebanon beginning from the advent of Amal,[67] a group which nonetheless "lacked the capacity to respond to the social aspirations of the dispossessed, thus giving rise to an internal conflict."

The foregoing contentions are supported by a *Le Monde diplomatique* article by Walid Charara and Marina Da Silva, which states that "the various groups that make up Hezbollah were born in the slums of south Beirut and part of the slums of the east (the Shiite district of Nabaa, which was destroyed by the Falangists in 1976). Later Hezbollah extended its influence to the towns this population came from, which are located in the peripheral zones that have been ignored by the government, and then to the bastions of the pan-Arabic and right-wing parties that were allied with the Palestinian resistance."

Hezbollah's influence was cemented "by its multiple networks that provided the population with assistance in rebuilding homes that were damaged or destroyed by Israeli bombardments, as well as schools and hospitals; and donating funds to the war victims."

[67] Amal is an acronym that stands for "Movement of the dispossessed – Lebanese resistance brigade." The word "amal" also means "hope" in Arabic.

A second factor that has contributed to Hezbollah's success is the triumph of the Islamic revolution in Iran, which is also of interest since it sheds light on the underpinnings of certain political alliances. In Nayaf, which is one of the holy cities of Shiite Islam in Iraq, which "played a major role in training a generation of revolutionary cadres (...), Ayatollah Khomeini, Mohamed Bakr Al Sadr (founder of the Daawa party, later executed by Sadam Hussein) and Mohamed Hussein Fadlallah (who later became the spiritual leader of Hezbollah) were teachers. Hundreds of young Lebanese did all of their college studies in Nayaf before being expelled by the Baathist regime in the 1970s. These are the individuals that would ultimately form the core of Hezbollah."

The authors add that the Iranian revolution "also provided Hezbollah with the financial and military resources it needed to consolidate its position," which in turn enabled the organization to expand its network of social services.

The arrival of hundreds of Revolutionary Guards (Pasdaran) in the Bekaa valley in 1982 allowed Hezbollah to develop its military forces.

The third and last factor that fostered the consolidation of Hezbollah was the 1982 Lebanon war, which resulted in thousands of deaths and produced tens of thousands of refugees among the country's Shiite majority.

Hezbollah allied itself with the resistance, an activity that culminated with the withdrawal of the Israeli army in 1985 from all of Lebanon except for the south, which Israel ultimately withdrew from as well (in 2000).

Gresh and Vidal state the following: "For many Lebanese, including those who were hostile to the ideology of the movement, Hezbollah acquired indisputable prestige by defeating the Israeli

army. During the 1980s Hezbollah gained renown by carrying out the first suicide bombings in the region, which led to the group's being accused of practicing terrorism. (...) Moreover, during the 1980s and in many guises, Hezbollah began the practice of taking foreign hostages..." (op. cit. p. 203-205).

In discussing the origins of Hezbollah and the strategic alliance between Syria and Iran (without which Hezbollah never would have progressed beyond the project phase), Gilles Kepel states that the arrival of Pasdaran forces in the Bekaa valley, which was under Hezbollah's control, was allowed by Syria. As a result, Iran would become a direct political actor in Lebanon and would be handed a golden opportunity to export its revolution successfully.

It was exactly at this period that a split developed in the ranks of Amal. "The organization's spokesman Hasan el Musaui created Islamic Amal, which was the successor to the Khomeini line. In the latter half of 1982, Ayatollah Mohtashemi, who was the Iranian ambassador to Syria, consolidated the various Shiite groups and clergy that shared his ideology in the Bekaa valley, southern Beirut and Beirut's outlying districts into an organization which (following the example of the Iranian Homeinist party) called itself Hizballah (party of Allah)".

The dual purpose of Hezbollah from its inception was to promote the radical Shiite Islam in Lebanon, and to serve as the military arm of Iranian terrorism. As we have seen, achievement of these goals was facilitated by a substantial social and charitable network that received logistical and financial support from Iran, thus allowing Hezbollah to "distribute resources to poor youth via the network consisting of the clerics that were affiliated with the party."

Thus Hezbollah successfully consolidated the two constituent elements of contemporary Islamic movements: "dispossessed youth (for whose adherence Hezbollah was in competition with the Amal movement, which was mobilizing these youth in a more social and communitarian and less ideological framework); and extremist intellectuals, who elaborated the militant discourse and ideology that was needed in order to galvanize large numbers of potential followers and convey to them the utopia of an ideal Islamic state – which was totally out of synch with the reality of the country."

During the early years of its existence, supported by external financing which first and foremost came from Iran, "Hezbollah was lacking any internal impediment that would have made it lean toward political realism, which explains why the organization embraced rabid radicalism. Hezbollah practiced (and preached) a mixture of the social violence of the disinherited, the aspiration to become a martyr that was fostered by the sermons of Khomeinists, and the national interests of Syria and Iran, which used terrorism perpetrated by Hezbollah to achieve its own ends."

In addition, Hezbollah served as a proxy for Iran in putting pressure on Western countries "using small groups that served as a screen for the large scale kidnapping that began in 1982, but which reached their peak between 1984 and 1988."

This situation explains why Hezbollah did not "officially" assume responsibility for acts "that were perpetrated by groups with varying numbers of members, who signed communiqués demanding ransom, which these groups tried to extort by threatening to execute their hostages. But Hezbollah's public image was that of an intermediary that facilitated the search for solutions, or that took the ransom in order to distribute it to the 'orphans and the dispossessed.'"

This type of action also enabled “Teheran to loosen the pincers of the Iraqi war and the hostility of Arab and Western states, who thus were put on notice that any move they might make against Iran could result in a terrorist attack. Many of the kidnappings were realized with a view to liberating or obtaining clemency for militant Islamic Shiites who were in prison for having carried out bombings or assassinations in various countries...” (Kepel, Gilíes, op. cit, p. 194-198).

As can be seen in accordance with what was stated previously, Iran promoted the development of Hezbollah for the implicit purpose of exporting the Islamic revolution to the Middle East.

There was another key factor in addition to the above. Syria could not allow Israeli influence to extend into Lebanon, although it became clear after the military defeats of 1948, 1967, and 1973 that Syria lacked the wherewithal to prevail in a new conventional war. Thus the solution for this crusade had to be found elsewhere, and it in fact lay in the rise of the most violent groups in the Lebanese Shiite community, to which Iran gave the support needed to transform these groups into a springboard for the movement, and which began carrying out terrorist operations in order to counteract the power of Israeli forces.

In his book “Hizb'Allah: the Politics of the Western Hostage Crisis”, Magnus Ranstorp states that although the arrival on the scene of Hezbollah was perceived by the Western world within the framework of Iran’s policy of exporting the revolution, “it would have been a mistake, according to Augustus Richard Norton, to believe that the Shiites would occupy a prominent place on the Lebanese stage in 1982 as a mere creation of Iran.” However it should be realized that Iran played a decisive role in the transformation of Hezbollah, “from a small group that was led by Shiite clerics and had no distinctive organization, to a group that was of major importance in Lebanese politics.

The Shiite Lebanese community had been mobilized some decades prior to the Islamic revolution Iran and the rise of Hezbollah."

Ranstorp states that the movement was created "when an Amal faction, the Amal Islamic party, joined forces with a network of Shiite radicals from other Lebanese movements such as al-Da'wa, the Association of Muslim Uluma in Lebanon and the Association of Muslim Students". Like Gresh and Vidal, Ranstorp sees the origin of the various branches of Hezbollah in "the activities of Shiite clerics in southern Iraq, particularly in the Shiite city of Nayaf."

At the same time, Ranstorp feels that the participation of Nayaf-trained Lebanese clerics and other radical clerics in Al Da'wa al-Islamiyya (Islamic Call Party) activities had a direct impact on the Shiite resurgence in Lebanon. He places particular emphasis on the confrontation with the Baathist regime, which resulted in the massive deportation of foreign clerics. Consequently, some of them returned to Lebanon, where they formed a sister organization, the Lebanese al-Dawa party, which "with sheik Mohammed Hussein Fadlallah, later became an important factor in the establishment of the Hezbollah movement."

It is therefore "essential to understand that the Nayaf origins of most Hezbollah leaders, as well as al-Da'wa al-Islamiyya activities prior to the advent of Hezbollah, constitute the ideological and revolutionary basis and roots of the organizational evolution of the Hezbollah movement in Lebanon, as does the impact of the close friendship between Hezbollah clerics and the members of the Iranian clerical organization." Ranstorp points out that Hezbollah's main ideologues in Lebanon were Mohammed Baqir al-Sadr in Iraq (founder of al-Da'wa al-Islamiyya) and Mohammed Hussein Fadlallah, who in conjunction with the clerical activity of Ayatollah Khomeini, preached a

more radical ideology and promoted the emergence of an Islamic consciousness in the younger generations (op. cit.).

In his article *Hezbollah, the war on terror and the war in Iraq*, Ely Karmon explains why Hezbollah is an organization that is dedicated to international terrorism and is not a "national liberation" militia as it often calls itself.

Responding to analysts who (a) assert that Hezbollah's principal objective is the liberation of occupied Lebanese territory and secondary concern is the Palestinian-Israeli conflict; (b) describe Hezbollah as simply one of many "Islamic movements of national liberation" that has little interest in operations beyond its immediate environment; and (c) hold that Hezbollah's participation in the 1992 parliamentary elections in Lebanon transformed the organization into a political party, Karmon counters that "Hezbollah continued using international terrorism as a strategic weapon to achieve its objectives, albeit in a more cautious and clandestine manner." According to Karmon, this contention is validated by the terrorist attacks against the Israel embassy and AMIA, and against the U.S. Khobar Towers military complex in Saudi Arabia.

Karmon adds that Hezbollah regards terrorism not only as a "legitimate military strategy, but also as a religious duty which is part of a 'global jihad.' The organization regards itself as the vanguard of the world Islamic movement, with the obligation to lead by example and support the weakest groups. Toward this end, the organization's efforts in connection with local objectives – such as the establishment of Islamic domination in Lebanon – has taken on an international dimension."

Karmon supports his position with statements by the Hezbollah secretary general Hassan Nasrallah, who has said that in order to "achieve victory, we must fight on all fronts. We must be global and integral." The author points out that "it's no accident that the Hezbollah emblem is a

hand grasping a machine gun with a globe in the background, and underneath the slogan, 'Only the congregation of Allah will be victorious.' Certainly Hezbollah's activities have been of international scope for quite some time now" (www.cidipal.org.ar: Centro de Información and Documentación de Israel para América Latina).

Nonetheless, and as a permanent tactic, "Hezbollah has committed numerous attacks but has never claimed responsibility for the worst ones, which it attributes to Lebanese Islamic Jihad, which is probably a fictitious organization used by Hezbollah and by other groups, including the intelligence services of various countries in the area, to erase any possible trace of responsibility"(De Arístegui, Gustavo, op. cit, p. 201).

In the same vein, James Bernazzani stated that Hezbollah, Iran and Syria "are interested in creating an organization that can carry out devastating attacks in order to achieve political objectives and keep these entities anonymous. The terrorists are Lebanese Shiites, but with training and logistic support from Iran and Syria. This entity was the IJO." Bernazzani indicated that the names Hezbollah uses most often to camouflage its participation in terrorist operations are Organization of Revolutionary Justice, Islamic Jihad for the Liberation of Palestine, and the Organization of the Oppressed of the Earth (p. 24.883/24.889 (reverse) of the "Embassy" case).

In his testimony for the present case, Bernazzani stated as follows: "In the early 1980s, the countries that used terrorism as a foreign policy instrument were not sure how the European Union would react to their attacks." Consequently, "terrorist organizations rarely used their real name when claiming responsibility for an operation" (p. 121.946/121.950).

This is borne out by the attacks of 18 and 19 July 1994 in Argentina and Panama, for which responsibility was claimed on 23 July of the same year via a communiqué (whose content we shall examine in detail in a later section) published in the Lebanese newspaper *An Nahar* by an organization called Ansar Allah (Partisans of God).

Bernazzani indicated in this regard that the name Ansar Allah is one of the names of Islamic Jihad, which is the military force of Hezbollah and which "never claims responsibility for an act that it did not commit." He added the following: "In view of the characteristics of the AMIA attack, he associated it with a particular group: Hezbollah. This type of attack, using car bombs, a suicide and directed at a Jewish target is the trademark method of Lebanese Hezbollah. He reached this conclusion because the U.S. was attacked various times by Hezbollah using this methodology. In keeping with the operational characteristics pointed out, during the time about which he was being asked, in his view there was no other organization with the capacity to realize an attack with these characteristics. In this regard, he explained that although FARC in Columbia was using car bombs, they definitively don't use them in conjunction with a suicide. Bernazzani pointed out that when it comes to Israeli targets, Hezbollah stands out from the rest of the groups that use similar methods." He said in conclusion, "based on all of his experience, the AMIA attack was orchestrated and carried out by Islamic Jihad of Lebanese Hezbollah. He was also convinced that inasmuch as this was an attack carried out by an Iranian national on foreign territory, the Iranian government not only was aware of the attack but also approved it" (p. 121.946/121.950).

b) Martin Kramer states the following concerning the specific nature and tacit structure of the Islamic world that made Hezbollah believe that it was the natural defender and spokesperson of this world: "Whenever the leaders of Hezbollah insist on the fact that their movement is more than just a mere political party or militia, they invoke a divinely ordained sense of mission.

An official Hezbollah spokesperson said that the movement 'isn't a structured party in the conventional sense,' since the idea of an exclusive 'party' is alien to Islam. Hezbollah is a 'mission' and a 'way of life.' Another Hezbollah leader has stressed the fact that Hezbollah 'isn't an organization', since its members have no ID cards, nor do they have specific responsibilities. Hezbollah is a 'nation' of all those who believe in the struggle against injustice, and all those who are loyal to Khomeini, the ayatollah of Iran. Another traditional Hezbollah leader maintains that 'we're not a party in the traditional sense of the term. All Muslims are automatically members of Hezbollah, for which drawing up a list of its members is an impossibility.' And according to the head of Iranian affairs in Beirut, Hezbollah 'is not limited to a specific organizational framework...There are two parties, Hezbollah or the party of Allah, and the party of Satan.'"

Kramer also says that "like a voice full of purity calling out, the idea of Hezbollah" came close to the truth in early 1982, but since then Iran has exercised its influence to make the organization ever more "structured, centralized, and accountable." This has resulted in the establishment of a governing body that is structured like an advisory board (the Council of Lebanon) and that is mainly composed of (a) Lebanese Shiite clerics whose every action is subject to Iranian approval; and (b) three regional councils (for the Bekaa, Beirut and southern Lebanon); and (c) seven committees.

Kramer then describes the parallels betwen Hezbollah and Iran, defining the first as "a predominantly Shiite movement that seeks to establish an Islamic state through which Islamic law can be put into practice, and whose authorities for the application of said law are the Shiite clerics (ulemas), who occupy basically the same position of preeminence in the movement as the ulema in the Islamic Republican party that governs Iran."

Kramer further states that Hezbollah was originally a coalition of ulemas, each of which brought his circle of disciples into the movement. As a result, certain loyalties were formed that the Iranian heads of the movement tried to destroy so that they could exercise direct control over their troops.

Hence, it is probable that "a Hezbollah supporter is a follower of the movement via a cleric of superior rank to him, and so on; and that these relationships extend to the highest levels of the world of Shiite clerics in Iran and Iraq, thus endowing Hezbollah with enough of an informal structure to impose a modicum of internal discipline, implement important decisions, and collect the funds it needs" (op. cit, p. 146-147).

Magnus Ranstorp describes the ulemas as being a fundamental element in the leadership structure of Hezbollah, pointing out – likewise in connection with the organization's purported informality – that Hezbollah's structure is based on the centralism of a specific religious structure, which "assures the strict discipline and obedience of the followers of the rules and regulations of its religious leaders, whose decisions are communicated by the ulemas to the community as a whole."

The clerical leaders make decisions collectively on the basis of a consensus, and then assign a district to a regional alim (Islamic academic), whereupon this district communicates to its members the actions that are required of them and the general lines of the ideology.

The manner in which these actions are implemented is left up to the followers, under the aegis of the alims and in accordance with local conditions, since this ensures that all actions remain secret and compartmentalized.

The highest authorities in Hezbollah's clerical hierarchy devote themselves to those who are more learned in the field of Islamic jurisprudence – but in light of the number of students and followers that each cleric has, and only after many years of religious practice and academic activity.

The Hezbollah ulemas are directly dependent on Iran's highest religious and political authorities, from whom they request guidance and advice in the event they are very divided among themselves and are unable to reach a consensus.

According to Ranstorp, this structure, which clearly parcels out responsibility for implementation decisions, "reflects not only Hezbollah's ability to protect its leaders from persecution and elimination in an extremely hostile environment, as well as the effectiveness of its operatives, but also the depth of the relationship between Hezbollah clerics and Iran."

Despite having denied the existence of this structure, "Hezbollah is secretly governed at the national and local levels by a supreme political and religious leadership composed of a small and select group of Lebanese ulemas."

The bodies that make the more important decisions are as follows: "The Majlis al-Shura (consulting assembly), led by 12 elderly clerical members with responsibility for tactical decisions and the supervision of all Hezbollah activity in Lebanon; and the Majlis al-Shura al-Karar (decision

making assembly)), led by sheik Mohammed Hussein Fadlallah and composed of 11 clerics with responsibility for all strategic matters.

Within the Majlis al-Shura there are seven specialized committees that are dedicated to the following areas: ideology, finances, politics, legal, information, and social."

This structure is replicated "in each of Hezbollah's principal operational areas (Biq' a, Beirut and the south)".

Iran also has a permanent presence in the Majlis al-Shura through one or more military personnel and diplomats from Pasdaran, or from the Beirut or Damascus embassies, which clearly demonstrates the close cooperation and supervision that characterizes these activities.

Consequently, "Whereas Hezbollah's structure is based on a tightly woven fabric and a secret leadership, and it has an ample base for its political movement that enables it to participate in successful clandestine operations while still protecting its leaders from being eliminated, the organization's methods clearly reflect the ideological principles of the Iranian revolution..." (p. 3.749 (reverse)/3.752 (reverse) of file 263).

Moving to a more specific dimension, we find the Special Security Apparatus (SSA), which is in charge of all intelligence and security matters, and its departments, one of which (Department of External Security) is relevant to the AMIA attack, above all owing to the direct ties it maintains with Iranian government officials so that decisions can be made concerning operations outside of Lebanon.

The SSA is composed of three subgroups: Central Security, Preventive Security, and External Security.

The Central Security Apparatus is in turn divided into two other groups that correspond to eastern and western Beirut. The Preventive Security Apparatus is the bodyguard service for the Hezbollah's most important clerics. Both of these organizations also coordinate operations realized in Europe.

According to Ranstorp, SSA's decisions to take foreign hostages have usually been made by the highest officials in the central Majlis al-Shura, subject to previous consultation with the clerics and Iranian embassy officials. By the same token, while the actions were being realized, the officials in charge kept in contact with Iranian embassy officials in Beirut and Damascus, as well as with Pasdaran officials; above all "key officials of Hezbollah maintained contact with Iranian intelligence (Vevak). Apart from the known role of former Iranian ambassador to Syria and interior minister Ali Akbar Mohtashemi in training members of Hezbollah and providing the movement advice, Iranian diplomats supplied Hezbollah with target related intelligence and Pasdaran supplied arms and military training ..." (p. 3,767/3,769 of file 263).

By way of synthesizing all this, in an article cited earlier, Ely Karmon states as follows: "At the organizational level, Hezbollah has evolved significantly: from a mysterious and scattered umbrella group under the leadership of Ayatollah Ruhollah Khomeini of Iran, to a movement that is jointly led by various sheiks and military commanders, to a compact and disciplined organization under a charismatic leader, Hassan Nasrallah."

c.1) Hezbollah's relationship with Iran

It is clear from our description thus far of the relationship between Hezbollah and Iran the latter could not exist without the support of the former.

However, it would be useful to describe in greater detail the scope of the affinity between these two actors.

Gustavo de Arístegui points out some of the particularities of Hezbollah that tend to create confusion, and emphasize the fundamental nature of Hezbollah's relationship with Iran. He states that Hezbollah was "created in the mould and image of Iran's main political movement," on the basis of the merger of "three organizations: the al-Dawa al-Islamiyya party, an Islamist movement founded in Iraq in 1956 by Iman Mohammed Bakr el-Sadr; Hussein Mussawi's Islamic Amal movement (...) and finally, some right wing Shiite Lebanese elements." Aristegui notes that it is often not known in the West that the party also admits into its ranks Sunni Muslims, providing of course that they accept Hezbollah's radical Islamist ideas.

The author adds that "Hezbollah was born as one of the first and most daring groups that supported the Iranian revolution." He goes on to say that the Iranian gave its ambassador in Beirut instructions to promote a split in the most radical elements of the Amal movement, create on this basis a new movement whose main source of indoctrination, support and training was (as mentioned previously) Pasdaran (op. cit, p. 200-201).

We have also mentioned previously (citing Magnus Ranstorp) that (a) the Revolutionary Guard played a preponderant role in the first kidnappings perpetrated by Hezbollah, whose liaison to the aforementioned organization was

Mohammed Haydar;[68] (b) Hezbollah maintained close ties with the Iranian embassies in Beirut and Damascus, as well as with Vevak, mainly through Hussein al-Khalil.[69]

"Pasdaran's role in Hezbollah was formally institutionalized through the presence in Majlis al-Shura of a high ranking representative of Iran's Revolutionary Guard, which exerted control over Hezbollah..." (p. 2.933/2.934 of file 263).

This dependency was embodied by a top-down subjugation to Iran's decisions. This obedience and respect "was clearly demonstrated by the publication of an official manifesto in February 1985" in which Hezbollah declared it absolute loyalty to Khomeini, "who was described as Hezbollah's leader (al-qa'id). In the words of Jeque al-Amin 'We do not have an authoritarian leader in Lebanon. Our leader is Khomeini'".

The presence of Iranian officials in Majlis al-Shura also underscores this situation, as does the aforementioned influence that Ayatollah Khomeini exerted over the main leaders of Hezbollah while they were being trained in Najaf, including "the current secretary general of Hezbollah, Jeque Hassan Nasserallah, who did his theological training in Najaf, during which time Ayatollah Khomeini was his tutor" (op. cit, p. 3.750/3.752 of file 263).

In his book, *Hezbollah: Born with a Vengenance*, Hala Jaber (Arabic journalist who works for *The Sunday Times*, currently the newspaper's Iraqui correspondent) points out that "Hezbollah was in fact one of the entities protected by Iran's Revolutionary Guard in Lebanon," and "...had arrived

[68] Haydar was one of the heads of the External Security Apparatus that was in charge of special operations abroad (Magnus Ranstorp, "Hizbollah's Command Leadership: Its Structure, Decision-making and Relationship with Iranian Clergy and Institutions"; p. 2.929/2.961 of file 263)

[69] High ranking member of the SSA and main liaison between Hezbollah's security and intelligence organizations (Magnus Ranstorb, op. cit. in the previous footnote).

with a covert mission, i.e. to recruit agents and establish an apparatus, above and beyond Hezbollah, for its intransigent Islamic revolution" (p. 9.205/9.289 of file 263).

Jaber adds that the agents "carried out military on their own account against Arab, Western and U.S. targets in the name of ridding the region of external domination as a preliminary step toward the ultimate dream of establishing an Islamic Republic similar to that of Iran" (p. 9.259/9.260 of file 263).

Concerning the current ideological relationship between Hezbollah and Iran, Jaber notes that "Hezbollah currently follows Ayatollah Khamenei as its political and religious leader" (p. 9.226 of file 263).

A considerable amount of testimony in the AMIA case confirms Jabar's assessment.

Manoucher Ganji (p. 65/69 (reverse) of file 352) testified that "At the time of the 1983 attacks, Hezbollah (...) was a terrorist organization that had been created by Iran, although it hadn't yet assumed the role of political arm".

Kenneth Timmerman substantiated these observations in his testimony: (p. 76/80 of file 352): "Hezbollah is an organization of Iran's making and is its creature. That's how it was at the beginning and that's how it is today. Hezbollah was the term used by Khomeini at the beginning of the revolution. At first it was a generic term that meant the creatures or people of God, but starting around 1982 or 1983, it became the name of a specific organization."

Hadi Roshanravani mentioned the close political, financial and military cooperation between Hezbollah and Iran, adding that (a) Iran began training Hezbollah's instructors in 1997 and then the

instructors trained terrorists; and (b) prior to this date they were trained directly, which is why the Revolutionary Guard had been in Lebanon since 1980 (p. 129/136 of file 209).

In this regard, Reza Zakeri Kouchaksaraee stated (concerning the taking of hostages) that “Iran issued the orders and Hezbollah carried them out" (p. 844/855 of file 209).

This was confirmed by Ariel Merari, who testified that “...Hezbollah regards Iran as the source of political authority and ideology (...) In terms of logistics, Hezbollah is totally dependent on Iran and this is expressed in various ways. Iranian finances Hezbollah in an amount that (...) intelligence sources estimate ranges from 50 to 100 million dollars annually. In the second place, Iran provides Hezbollah with arms and explosives. Thirdly, Iran trains Hezbollah forces". Merari added that the Iranian government has authorized and in some cases requested the main terrorist attacks that Hezbollah has carried out (p. 36.719/36.723 of the “Embassy” case).

In Merari’s view, Hezbollah does not operate independently outside of Lebanon, but is instead an integral part of the Iranian terrorist system, since the organization doesn’t have a sufficient infrastructure of its own (p. 778/914 of file 267).

Another witness who testified on this subject was Abolghasem Mesbahi, who stated that the groups that operate “under the name of Hezbollah in other countries such as Lebanon and Egypt act on direct orders from Iran and under the control of Vevak and the Revolutionary Guard, Pasdaran. Other extremist groups have different names and are also controlled by Iran...” (p. 141 of file 204). When asked to characterize the relationship betwen Hezbollah and Iran, Mesbahi that “it’s like a father-son relationship, where Hezbollah is the son and Iran the father. The origin of this relationship dates back to the period prior to the 1979 revolution...” (p. 381/416 of file 204).

Sobhi Tufaili (cited by Martin Kramer in *The Moral Logic of Hezbollah*) speaks in similar terms: “Our relationship with the Iranian revolution (in Iran) is like that of master and an apprentice (...) a soldier and his commander" (op. cit., p. 151).

Nahim Kassem, the deputy secretary general of Hezbollah, said the identical thing in a 28 August 1994 interview with the newspaper *Clarín* (second edition), where he stated as follows, upon being asked about the political, religious, and financial relationship between Iranian and Hezbollah: “We make a distinction between our religious and political relationships between two different parties. On the religious level, we regard Ayatollah Ali Khameini (Khomeini’s successor) as the leader of all Muslims throughout the world, like Pope Paul II is for Christians. We submit to his leadership. On the political level, Iran uses Islam to combat imperialism. It supports the dispossessed and the oppressed, and aids our cause. We have common interests with Iran.”

In an interview with Sobhi Tufaili that appeared in the aforementioned edition of the newspaper *Clarín*, Tufaili stated as follows: "As for our relations with Iran, we both believe in Islam, and thus we have very close ties. If we believe in Islam, we are obligated to help those who are less well off, or the poor. It is therefore Iran's duty to help Hezbollah (...) Iran helps Hezbollah in terms of services, building its hospitals, with the families of the martyrs, and in the operations in the south (...) the majority of assistance from Iran is for anti-Israel operations, as well as to finance reconstruction programs in the wake of Israeli aggression. They give us money..."

The foregoing was corroborated by the secretary general of Hezbollah Hassan Nasrallah in an interview with the newspaper *Al Wasat* that was published on 11 March 1996 (p. 23.229/23.230 and 24.416/24.434).

In this interview, Nasrallah made the following categorical statement that leaves no room for doubt: "As for our brothers in Iran, we have communicated with them and they have demonstrated their willingness and have given us their support, and this is something that we do not hide; and there is no need to deny that we received financial and political support from Iran (...) We are not ashamed of this, nor are the Iranians intimidated" (p. 24.417).

Recent statements by Nasrallah to the effect that Hezbollah also provides other terrorist groups with support shed a different light on the situation, since this would entail the formation of a veritable financing pyramid. An article published in May 2006 stated as follows: "The leader of Hezbollah Hassan Nasrallan acknowledged that he has provided militant Palestinian groups with political and financial support, but denied having armed them, according to a statement in the Thursday edition of the newspaper *As Safir*.

Nasrallah did not indicate the names of the groups that he has aided, but the close ties between Hezbollah and Islamic Jihad and Hamas are well known. 'The Palestinians have experts and fighters (...) What they need is financial help, political help, and help with communication media, and we don't deny having helped them on these fronts,' Nasrallah noted. This is the first tiem that the Hezbollah leader has acknowledged publically that Hezbollah provide militant Palestinian groups with financial support" (Diario Exterior.com; Enfoques, análisis and tendencias).

James Bernazzani put it this way: "The relationship between the government of Iran and its subordinate is clear. The government of Iran is a state that sponsors terrorism, and is one of the few nations that uses terrorism as an instrument of foreign policy. Terrorist states recruit, train, arm, and promote the development of organizations that then use terrorism to implement an aspect of their foreign policy. Hezbollah is the principal organization of this type. Iranian policy aims to expel Israel and the U.S. from the Middle East. To achieve this goal, Iran uses Hezbollah to attack both of these countries. All cases of Hezbollah committing acts of terrorism outside of Lebanon have been carried out in responses to orders from Iran" (p. 121.946/121.950).

A clear example of the relationship between Iran and Hezbollah, where Hezbollah acted as the armed perpetrator of Iranian terrorism, is constituted by the 17 September 1992 assassination at the Mykonos restaurant in Berlin. In the ruling on the case, which was the first trial in Europe in which Iran was shown to be directly responsible for a terrorist attack, the German court categorically stated that Hezbollah "is an extension of Iranian policy. It was created by Iran, which funds Hezbollah and provides it with troops, weapons, and military training. None of this was done in a disinterested fashion. Iran is using Hezbollah to spread the Islamic revolution to Lebanon, as well as to fight opponents of the Islamic region through the use of military force" (p. 34 of the Mykonos ruling on p. 149 of file 204).

Consequently, the German court stated that Hezbollah is "...an ally of Iran in terms of policy, personnel, and material..." (p. 164, section D of the aforementioned ruling).

c.2) Hezbollah's relations with Syria

Another strategic relationship maintained by Hezbollah has been its ties with Syria, despite some ups and down in the alliance.

In this regard, Magnus Ranstorp states in "Hezbollah in Lebanon" that Hezbollah's leaders, as well as its security and intelligence service, has maintained close contact with Syrian military intelligence, "which played an active role in planning Hezbollah actions up until the withdrawal of the multinational forces from Beirut in early 1984."

Ranstorp then points out that there was a "calibrated policy of tacit cooperation with Hezbollah and of support for taking foreign hostages in the sense that they sided with Syrian interests in Lebanon." However, Syria was forced to deal with Hezbollah in order to restore its hegemony, limit Iranian influence, and avoid a military confrontation with Israel.

In any case, Syria maintained a public policy of disassociation from Hezbollah's activities, even though Hezbollah's relations with the movement's SSA "were maintained via Syrian military intelligence under the command of Brigadier Ghazi Kaf'an".

Nonetheless, Syria's control over the Bekaa region, which was the base of operation for Pasdaran and Hezbollah, resulted in Syrian military intelligence not only facilitating the "transfer of hostages from Beirut to Baalbeck," but also acting as a "go-between for freeing the foreign hostages via military intelligence officials."

According to Ranstorp, Moustapha Dirani (former head of the Amal security service, who defected from the movement in 1988 and joined Hezbollah the following year) was a key link between Hezbollah and Syrian military intelligence.

The foregoing notwithstanding, Ranstorp describes the current relationship as being punctuated by periods of conflict and cooperation, for the most part engendered by the unstable political situation in Lebanon, whereby during said periods “Syria’s authorization of the presence of Pasdaran and its tolerance of Hezbollah activity largely depended on its relationship with Iran (...) the friction between Syria and Hezbollah was manifested by kidnapping as reprisals, and as threats to use military force, or its actual use” via Amal.

Ranstorp also pointed out that despite this, the friction “concerning the kidnapping of foreigners was more the exception than the rule, given its coordination of military operations against Israel, and its collaboration in freeing the hostages. In any case Syria controlled the territory around Bekaa and authorized not only the presence of Pasdaran and Hezbollah, but also their movements outside this area" (p. 2.934/2.935 of file 263).

The same ups and downs have occurred in the relationship between Syria and Iran, which cannot be regarded as monolithic for Iran “but rather marked by moments of cooperation and friction, which have played out in the arena of Lebanon,” largely with regard to Hezbollah’s activities, which in any case “have been a useful instrument of foreign policy in terms of obtaining political and economic concessions from Western governments.”

Although there have been some points of agreement "for operational cooperation against common enemies, particularly against Iraq and Israel," there have been irreconcilable differences in their interests and aspirations concerning the future of Lebanon, inasmuch as "Syria's ambition of achieving local hegemony over Lebanon's affairs is incongruent with the ideological vision, advocated by Iran and Hezbollah, of an Islamic republic in Lebanon." This in turn resulted in the Iran-Syria nexus "being a marriage of convenience against common enemies, in an atmosphere of crisis and political isolation in the Middle East..." (p. 3.793 of file 263).

The historical antecedents that resulted in this strategic alliance illustrate both the political logic that marked this alliance, as well as the natural tension that was an integral part of it.

Ranstorp states as follows in this regard: "Before the Iranian revolution in 1979, the hostility between the Syrian Ba'ath regime and the Shah's regime in Iran was mainly based on the close relationship between Iran and Israel (which Syria had proclaimed was its arch-enemy) within the context of the Arab-Israeli conflict and the Shah's friendly relations with pro-Western Arab governments that were hostile to Syria." As a result of this situation, "Syria cultivated ties with the emerging Shiite opposition movements which were led by Ayatollah Khomeini."

Syria was isolated following the Camp David agreement of 1977 and the rapid deterioration of its relations with Jordan and Iraq. Hence, the "Islamic revolution of 1979 gave Syria an ideal opportunity to do something about the imbalances in its inter-Arab relations, to rejuvenate the field that was repudiated in the Arab-Israeli conflict, and establish closer relations with and more influence on the Lebanese Shiite community."

Nonetheless, and even though the economic accords with Iran and Syria transformed its relationship in a society, "it left Syria vulnerable to Iranian pressures..." (p. 3.793 (reverse)/3.794 (reverse) of file 263).

c.3) Hezbollah and the West

Hezbollah's relations with the West have always been stormy, if only because of the terrorist attacks against Western targets in Lebanon and beyond, as well as the kidnappings and assassinations (mainly during the 1980s) of various European and American hostages.

Hezbollah's Islamist ideology regards the West as its implacable enemy that must be defeated at all costs.

Indisputably, this is another factor that has contributed to the strong affinity between Hezbollah and Iran.

Ely Karmon says the following in this regard: "In ideological terms, Hezbollah is obsessed with what it regards as a battle against the West for the very survival of Islam. The organization sees Islam as being besieged by conspirators that act on behalf of a 'global infidelity'" that is propagated by its enemies.

However, this battle is more than just political in nature. According to Naim Kassem (second in command of Hassan Narallah), there is also "a cultural conflict between Hezbollah and the West."

Karmon infers from this that Hezbollah's mission is to adopt an active role, whether openly or clandestinely, in a conflict that extends beyond Lebanon, and in which Hezbollah's main

adversaries are the U.S., Britain and France, "owing to the perception of their historical roles as colonial and neo-imperialist powers in the Middle East." However, this has not prevented Hezbollah from expanding its activities to other countries as well.

In this scheme of things, and as with Iran, the U.S. is the object of particular fury, since Hezbollah regards it as "Satan Supreme," i.e. the source of all evil on earth, unlike the organization's other enemy states in the West, which are seen as being merely "evil." Karmon also states as follows: "On Hezbollah's al-Manar satellite TV station (available in Arab countries, North America and Europe), the U.S. is described as a 'demonic threat that targets not only the Middle East but the planet in its entirety.' 'The main source of evil in this world, the main source of terrorism, the main threat to world peace and economic development in this world, the main threat to the environment of this world, the main source of ...war, civil unrest, civil and regional wars in this world is the U.S.'"

As has been shown in the present report, this hostility, far from being mere angry rhetoric, has instead been translated into terrorist acts against U.S. civilian and military targets, starting with the suicide bombings of the U.S. embassy and the marine barracks in Beirut in 1983.

The attack on the U.S. embassy had the "distinction" of being the "first suicide attack in the history of international terrorism, a milestone and an example for other terrorist organizations. The attack on the barracks was the deadliest act of terrorism perpetrated against the U.S. prior to 9/11. The communiqué claiming responsibility for the attack on the U.S. military installation contained the following threat: "We are the soldiers of Allah and we yearn for death. Violence will be our only path if the foreign forces do not depart. We are prepared to make Lebanon a second Vietnam.

We are neither Iranians, Syrians nor Palestinians. We are Lebanese Muslims who follow the dictates of the Koran'" (*The War on Terror and the War in Iraq*, cited above).

d) Hezbollah's leaders

The main Hezbollah leaders that have left their imprint on the movement are its spiritual leader Mohammed Fadlallah and its secretary general Hassan Nasrallah. We shall now describe their background.

d.l) Sayyid Mohammed Husayn Fadlallah

In discussing the spiritual leader of Hezbollah, his nominal status as leader, and his ambiguous rhetoric with respect to that status, Martin Kramer points out the significance of the fact that the man most often referred to as Hezbollah's leader repudiates this job description and denies having any formal ties with the organization.

Nonetheless, as Kramer says, Ayatollah Sayyid Mohammed Husayn Fadlallah "owes his rise in Lebanon to his undeniable influence over Hezbollah. Fadlallah is the eldest of the Shiite clerics that have ties to Hezbollah, and there is not the slightest doubt that he is the clearest and most astute advocate of Islamic republicanism in Lebanon."

Born in Najaf in 1935, Fadlallah studied with radical clerics, although he was also exposed to the "moderate influence of another professor, Ayatollah Abu' al-Qasim Kho' i, who was widely recognized for his apolitical dedication to teaching". On his arrival in Beirut in 1966, Fadlallah "began a promising career in preaching, teaching, writing, and community work. The Iranian revolution prompted Fadlallah to abandon his political silence."

Beginning in 1982, he "converted his pulpit into a platform from which to criticize foreign intervention in Lebanon and call for the establishment of an Islamic republic."

Kramer also describes Fadlallah as an ambitious person who also had followers in the ranks of Amal, including among Shiites living outside of Lebanon. Kramer points out as well that Fadlallah's "relationship with Hezbollah's Iranian sponsors and leaders was very cautious, since his interpretation of the Lebanese situation diverged considerably from theirs," since in his view "making the proclamation of the Islamic Republic of Lebanon a reality has already taken too long" on account of the opposition it has provoked in many communities and among its foreign supporters. In his view, this opposition cannot be reduced solely through intimidation and violence, but must be eroded gradually via a campaign of persuasion.

"Fadlallah aspires to become the great persuader of Lebanon, a religious man who rises above the muck of the Lebanese military politics and to whom all and sundry come at some point in order to reflect."

It is precisely this situation that prompts Fadlallah to repudiate his role as leader. By the same token, inasmuch as "a large segment of Hezbollah is directly influenced by the Iranians, Fadlallah has no reason to assume responsibility for Hezbollah's actions that were other people's decision."

However, Fadlallah has not been able to avoid defending Hezbollah's actions in public. According to Kramer, Fadlallah has stated that "Hezbollah is a party which resorts to the use of arms, like any other party in Lebanon. It may have been responsible for infractions and violations

of the law, and it may have made mistakes, but it has done this to a much lesser extent than anyone else."

Thus it is certain that Fadlallah "is at the apex of the informal hierarchy of clerics that have ties to Hezbollah. He is one of the most prominent of these clerics owing to his knowledge and status. The others come to him in search of guidance, and he is a fixture at Hezbollah meetings. Many of those who are devoted to Fadlallah are in the ranks of Hezbollah, and the latter's supporters frequent the mosque in the Beirut district of Bi'r al-Abid. Hezbollah uses its mosque to hold meetings and in some cases Hezbollah itself provides Fadlallah with bodyguard protection against assassinations. There are close ties of mutual dependency between Hezbollah's leaders, its Iranian leaders, and Fadlallah. Despite the zeal that separates them, they are united by the idea of a shared goal."

In the past as well, Fadlallah had a trait that made him indispensable, namely that even though Hezbollah supporters had vowed total loyalty to Khomeini, he could not communicate with them directly since he spoke Farsi rather than Arabic. Hence, "Iran depends on Fadlallah's brilliant Arabic rhetoric to transmit the message of Islamic republicanism to Hezbollah. This is an imperfect medium, since Fadlallah has his own agenda; but no other cleric can realize this service as effectively as he does..." (op.cit. p. 152-153).

Despite the fact that Fadlallah purports to distance himself from the actions taken by Hezbollah, all concerned agree that he plays a dominant role in these actions. For example, Gustavo de Arístegui, states as follows: "The spiritual leader of Hezbollah is Mohammed Hussein Fadlallah, an educated, charismatic and very Islamist man, who exercises a major influence on the operational management of the organization's militants. He always makes statements that appear to be

moderate and politically correct. He leaves day to day management in the hands of the organization's 'military' and political leader sheik Nasrala" (op. cit, p. 200-201).

The foregoing notwithstanding, Fadlallah has also made a number of strong statements. An article from the Lebanese newspaper *Al Hayat* of 30 May 1994 ("La mano de los 'Muyahidín' (Combatientes) llegó a la Argentina", p. 30.624/30.624 (reverse)) containing verbatim statements made by Fadlallah observes that "The ulema Mohammed Hussein Fadlallah stated at two events held in Baalbeck and Hermel, that 'the current stage is one of the most dangerous of all, since the arrogant world is opening its doors to Israel (...) and Israel is supposed to integrate our politics and nation and there's freedom of action for everyone, but we don't have the freedom to do anything.'

(...) In his view, the Al-Dirani kidnapping 'is a security operation, not a military one, and if you do not have faith, no weapon will be of any use to you'. And he added: 'everything we have been through lately concerning the Al-Dirani kidnapping we have discovered through many omissions and we have been through many worrisome situations both internally and externally. (...) Is there any word of protest that we haven't uttered? And is there anything left of all these words, and does the situation depend very much on us? Remain silent, do not let your enemy continually issue appeals so that he knows what you're thinking. Descend to the secret depths of the well and remain silent so that you do not gladden your enemy's heart. And so let him shout, for he has shouted in the past, for he has a long reach, but the reach of the mujahidins is longer, and it has descended on Argentina. And the mujadins have challenged Israel's security. So then let us work together in order to find out how to put up strong resistance to them, and then we will be able to create the situation, the future and life."

The Argentine ambassador to Lebanon Juan Ángel Faraldo testified as follows in this regard: “A series of statements were exchanged between the Lebanese Muslims and the Israelis, including a statement by the spiritual leader of Hezbollah, Sheik Fadlallah, who said that Israel may have

a long reach, but Hezbollah does too; just remember Buenos Aires” (p.104.445/104.470 (reverse))

In the same vein, and as a result of an Israeli attack on a Hezbollah military camp in Kawkaba on 2 June 1994, Fadlallah stated that “...the battle against Israel has now opened on all fronts. This is the greatest challenge of all time. We Muslims, mujadins, and oppressed people have decided that Israel has no place among us. Israel and the forces of world oppression may have won a battle, but no Satan, whether large or small, will be able to intimidate us. We know for a fact that every Israeli bomb or plane is actually a U.S. bomb or plane" (cable 010233/94 from the Argentine embassy in Lebanon, 3 June 1994, on file in the secretariat). Moreover, Fadlallah stated as follows at the funeral for the victims of the aforementioned attack: “...you have to make a decision courageously and so that it makes waves, because in this world you only attract attention when you provoke this situation...” (cable 010234/94 from the Argentine embassy in Lebanon, 4 June 1994, on file in the secretariat). On another occasion, Fadlallah said the following: “The blood of the martyrs of Ain Kaukab will not be the only blood that is spilled, for in the future other blood will be spilled and the struggle will escalate to the global level" (cable 010021/94 from the Argentine embassy in Kuwait, p. 104.380/104.381).

Such statements clearly indicate that Fadlallah’s position is not one of a disinterested onlooker, but rather one of a leader who is intimately involved in Hezbollah’s activities, and who knows that his words are guideposts for the organization’s members.

d.2) Hassan Nasrallah.

An article that appeared in the Israeli newspaper *Yediot Aharonot* on 19 April 1996 stated as follows with regard to Hassan Nasrallah, who has been secretary general of Hezbollah since 1993: "Born in 1960 in a refugee camp north of Beirut. When he was a child, his family moved to a village near Tyre called Bazoria. During his adolescence, Nasrallah displayed an inordinate interest in 'public Shiite activity' and at the age of 15 he joined the Amal organization. During this period, Lebanon was divided and plagued by opposition militias and extreme poverty. Amal, which at the time was the Shiite militia, recruited young activists into its ranks."

A year later Nasrallah went to Nayaf, which is Iraq's main Shiite center, and during this time he "to a great extent formed his vision of the world and his life's path. While in Nayaf, Nasrallah became friends with some of his current colleagues, as well as with Abas Musawi, who was Nasrallah's predecessor as secretary general."

In 1978, Nasrallah was expelled from Iraq along with other Lebanese students, and as a result he returned to Lebanon where he joined a small extremist organization called El Rava ("The Mission"), whose leader he became.

The article also states that "this was a group of young militant male students from the region who had ties to a religious man and with whom they formed a kind of court around him."

Nasrallah was one of the members of this court, where he distinguished himself, since he "quickly showed that he had military inclinations. It was here that for the first time, he began recruiting young men for a militia. (...) And it was here as well that he designated Israel as a target for the first time. As far as is known, Nasrallah was also involved in instilling terror.

He was not interested in completing his studies at this stage. He decided he was a fighter and not a man of religion."

He then left Lebanon and went to the Iranian city of Qom, which is one of the country's three Shiite centers, and the residence of the religious sages. "Here, his intelligence in the political realm emerged into the light extremely well. As a ranking member of a Shiite organization, he was very aware of the fact that in order to be a true leader, it is also necessary to be a religious figure. Those who make decisions in extremist religious organizations are always religious figures. The others are merely men who are in charge of operations."

After a year in Qom, and after clashes broke out again between Hezbollah and Amal, he returned to Lebanon where he followed the path that resulted in his becoming a leader at the national level (p. 1.554/1.557 of file 263).

The article also cites the expert Martin Kramer, who makes the following interesting observations concerning the personality of the leader of Hezbollah: "Martin Kramer, who is head of the Dayan center and an expert on Hezbollah, says that Nasrallah has an impressive capacity to analyze political situations. 'It's very difficult to put words in his mouth,' he says. 'I don't see in Nasrallah the bombastic method of Saddam Hussein. Nasrallah is interviewed all the time and you never see him make the slightest slip. He knows how to do a very in-depth strategic analysis and understands Israel's political structure. He definitely keeps close tabs on everything that happens here and know how to penetrate the weak points."

Kramer also states that Nasrallah protects his privacy and the secrecy concerning his person. Although he does make public appearances, he does so cautiously, and has become even more cautious since the assassination of his predecessor Abbas Moussawi.

Kramer then talks about the fact that in the early 1990s when Nasrallah was appointed to a position in the Hezbollah Administrative Council hierarchy, this made him the natural candidate to fill the vacancy left by the assassination of the secretary general.

During the first four years of his term, he "went through a transformation. Having entered office as an extremist who wanted to continue the struggle with Amal and who was adamantly opposed to any contact with Syria, he evolved into someone who fully understood the necessity of cooperating with Syria, and under certain circumstances, even with Amal. And of course Syria helped him to understand."

Kramer defines him as a pragmatist who leads Hezbollah with Iran in the driver's seat, even up to the point of integrating Hezbollah into Lebanese political framework, a sphere he negotiates with extremely good instincts. Kramer cites as an example the fact that since the death of Khomeini, Fadlallah has supported Khamenei, who is an opponent of his friend and a sponsor of Fadlallah." (article by Naomi Levitsky in the aforementioned newspaper, p. 1.553/1.564 of file 263).

In another matter, Amir Oren, the military analyst of the Israeli newspaper *Haarezt*, has commented on Hezbollah's role in the terrorist escalation realized by various Palestinian groups. In this regard, Oren states that "Nasrallah takes pride in being the 'representative of the spiritual leader of Iran'. Hezbollah's support for the Palestinian struggle is beneficial for Iran's anti-Israel infrastructure." Oren also says that "Nasrallah acts against Israel, but in an indirect manner, and in such a way that he leaves no traces that can result in his being prosecuted. Nasrala would like to

strike a blow against Israel and win glory for himself, but without responsibility – which means that he would get results at no cost" (source: *Haaretz* article of 13 March 2002).

In an article entitled "Hezbollah's strategy and tactics in the Lebanization process", Magnus Ranstorp states (echoing Kramer) that Nasrallah has always exhibited tremendous pragmatism that has enabled him to adapt to the various challenges that his organization has faced. He notes in particular that "after having exhibited a hard line concerning past ties with Iran's revolutionary faction while voicing opposition to Syria and fighting against Amal, Nasrallah's administration has been marked by the fostering of close ties between Hezbollah and Syria, including cooperation on some occasions with Amal, while at the same time he has projected a more 'compliant' image in his agreements with Iran."

However, apart from these political maneuvers, it is important to note that "Nasrallah was only elected after the assassination of Musawi in 1992 thanks to the influence and intervention of Iran."

Ranstorp also points out the following: "Despite having won the majority of the votes in the May 1991 Majlis al-Shura election for secretary general of Hezbollah, a position he then ceded to sheik al-Musawi out of 'humility,' Nasrallah consolidated his own position within Majilis al-Shura via his control over military and financial matters, which limited al-Musawi's sphere of action and in fact transformed Nasrallah into a true leader."

Under Nasrallah's leadership, Hezbollah has widened the scope of its anti-Israeli activities. This was clearly indicated by the creation of the so called al-Jihad council, in whose regard Ranstorp states as follows: "Nasrallah stressed his commitment to the armed strategy of the Islamic

resistance, most palpably through the creation of a new body known as the al-Jihad council, which was composed of various factions that were under Nasrallah's central control, and whose purpose was to allow for the coordination of all anti-Israeli activity (...). This meant that Nasrallah could readily control any defector faction (...) so as to avoid any attempt at independent action against Israel and to demonstrate to the organization's cadres his determination to fight Israel in southern Lebanon."

At the same time Nasrallah extended the scope of social services for the Lebanese Shiite community with a view to expanding the political and social power of the organization, using the significant assistance provided by Iran for this purpose. Ranstorp explains this as follows: "Hezbollah's role as the provider for the largely impoverished and illiterate Shiite population in the midst of the civil war (as well as for those who had been abandoned by the Lebanese government) was an essential ingredient of Nasrallah's social and political popularity, and for his trench warfare; and at the same this allowed him to extend Hezbollah's position as a social protest movement."

Lastly, Ranstorp points out the following: "Perhaps Nasrallah's most important contribution as leader has been his role in bringing Hezbollah into the political arena through participation in the parliamentary process (...) After having adroitly sidelined other elements of the internal opposition while at the same time he obtained the firm support of both Khamenei and Fadlallah" (p. 2.972/3.033 of file 263).

Nevertheless, Hezbollah's arrival on the Lebanese political scene did not prevent Nasrallah from making manifestly extremist statements. Vaught S. Forrest and Yossef Bodansky, members of the Congressional Task Force on Terrorism and Unconventional Warfare for the U.S. House of

Representatives, state that on 17 June 1994, one month prior to the AMIA attack (and, according to Forrest and Bodansky, by which time the initial phase of the preparations for the attack had been completed), Nasrallah suggestively stated as follows: "There are 1000 suicide commandos ready to confront Israel throughout the world"[70] (p. 3.755 (reverse) of file 392).

Yves Bonnet states as follows with regard to such statements: "The statements made by sheiks Fadlallah and Nasrallah following the Dirani kidnapping and the attack on the Kawkaba camp can be regarded as important elements for the investigation, since this type of statement in which the realization of attacks is announced tend to be significant". Bonnet added: "At first such statements by these men seemed laughable, but later it turned out that they meant what they said and that they really were planning to carry out these actions. It's a different culture. They say it, they announce it, and then they do it. They've made extraordinary statements, and these people at least have the virtue of not concealing their expansionist ambitions. They clearly express their intentions or position, without the slightest ambiguity..." (p. 990/995 of file 209).

The AMIA attack is a clear demonstration of the fact that such statements, far from being mere rhetoric, are direct threats. These statements constitute evidence that supports the contention that Hezbollah participated in the AMIA attack.

In addition, such statements enable us to rule out the possibility that events such as the AMIA attack could have been mere happenstance, and at the same time show that the leaders of Hezbollah had clearly stated that the Arab-Israeli conflict would extend beyond the borders of the region. This

[70] The statement was published in the 17 June 1994 edition of the newspaper *Al-Watan Al-Arabi*.

is sufficient to characterize as ludicrous the view of those who contend that Hezbollah has never participated in any operations outside of the Middle East.

e) Information concerning some of the key actions and activities that Hezbollah has carried out can be found in the following sources: *Informe Internacional*, which was compiled by the Secretariat of Intelligence (2003); a report by the Office of International Criminal Justice at the University of Illinois entitled "Extremist groups: An International Compilation of Terrorist Organizations, Violent Political Groups, and Issue Oriented Militant Movements" (file 270, p. 317/339); and the translation of the sworn testimony by FBI special agent James Bernazzani in the "Embassy" case.

To conclude this section on the structure, relations and main leaders of Hezbollah, we feel it would be useful to list some of the key operations that the organization has carried out since its inception, as well as some of the events in which it played a significant role, with a view to illustrating Hezbollah's substantial capacity for action, as well as the fact that Hezbollah indisputably has the wherewithal to take action outside of the Middle East.

In the view of special FBI agent James Bernazzani, Hezbollah's activities are either of a military or terrorist nature, whereby the latter are mainly realized by the Islamic Jihad organization with a view to "...sending clear political messages to its opponents" (p. 24.883 of the "Embassy" case). Airplane hijackings, kidnappings, and bombings were specialties of Hezbollah from its inception, regardless of the name under which these actions were carried out.

***1982**

June: In what can be considered the first operation coordinated by Hezbollah, the organization captured an Israeli personnel transporter near Beirut and exhibited it in the city.

November: A 17 year old male drove a Mercedes Benz automobile into an Israeli military barracks. The car contained explosives and destroyed the building, causing the death of 75 soldiers, 14 Lebanese prisoners, and Palestinians that were trapped in the building.

“This attack occurred before Hezbollah formally existed. In any case, the attack had all the hallmarks of an attack realized by Hezbollah and the IJO, namely the use of a suicide in a car driven into a target of military and political significance (...) Hezbollah did not reveal the name of the car’s driver until the end of 1985. The suicide bomber, whose name was Ahmad Khassir, had asked that his name be kept secret for two and half years, in the belief that the Israelis would have left his village by then" (p. 24.886 (reverse) of the “Embassy” case).

***1983**

April: Suicide car bombing attack on the U.S. embassy in Beirut, killing 49 and injuring 120.

“A Chevrolet van carrying explosives and driven by a suicide destroyed the U.S. embassy in Beirut. The bomb caused the death of 49 persons, 17 of them Americans, and injured 120 other persons. The bomb contained high power explosives and compressed gas to make the explosion more powerful. IJO claimed responsibility for the attack, which was carried out at a time when the

U.S. was brokering an agreement between Lebanon and Israel concerning the status of Israeli forces in Lebanon and the nature of future relations between the two countries (...) Although Hezbollah adamantly denied any involvement in the attack, its manifesto described the bombing as an “initial punishment” (p. 24.887 (reverse) of the “Embassy” case).

October: Suicide car bomb attack on barracks of the U.S. Marines and French paratroopers in Lebanon. The attack killed 56 French and 241 Americans.

“A nine ton Mercedes Benz truck driven by a suicide exploded inside the U.S. Marine Corps barracks in Beirut. The truck bomb detonation had the force of nine tons of TNT, and the explosive power of the bomb was heightened through the use of compressed gas. The barracks were completely destroyed, causing the death of 241 Marines and injuring 70 other persons. IJO claimed responsibility for the attack via a phone call to AFP in Beirut on 24 October 1983 (...) Hezbollah denied any responsibility for the attack, but its leader heaped praise on those that carried it out (...) On the same day that the barracks were destroyed, a truck bomb driven by a suicide drove into the barracks of the French contingent of the MNF in Beirut, causing the death of 56 French soldiers and injuring an additional 15" (p. 24.887 (reverse) of the “Embassy” case).

November: Suicide attack with a car bomb on the headquarters of the Israeli Defense Forces in Tyre, Lebanon, in which 59 persons died.

“A Chevrolet truck loaded with 500 pounds of explosives entered two schools used by Israeli police garrisons in Tyre, Lebanon. The suicide driver was shot, but continued until he was 15 feet from the complex and then detonated the bomb" (p. 24.888 of the “Embassy” case).

December: Series of car bomb attacks against the U.S. and French embassies in Kuwait.

"Seven bombings occurred in Kuwait. A suicide bomber driving a truck loaded with explosives and gas cannisters attempted to destroy the U.S. embassy. At the French embassy, three bombs were armed, but only two detonated. At the Raytheon Corporation campus, two Chevrolet Suburban vehiclces were armed to explode via a timing device, but only one detonated. Two other car bombs exploded at the head office of Raytheon. A car bomb was driven into the control tower at Kuwait airport and another one detonated at the Kuwait Ministry of Electricity. Two trucks exploded at Kuwait's largest oil refinery but only caused damage" (p. 24.888 of the "Embassy" case).

***1984**

January:

* Assassination of Malcolm Kerr, the president of the American University in Beirut.

* Kidnapping of the diplomat Saudita Husayn Farrash, who was released in May 1985.

February:

* Assassination of General Ghoalam Oveisi and his brother in Paris. Oveisi had served as martial law administrator under the Shah.

Kidnapping of an American college professor, Frank Regier.

March:

* Kidnapping and subsequent assassination (in June 1985) of William Buckley, CIA chief of station in Beirut. The Organization of Revolutionary Justice claimed responsibility for the operation.

* Kidnapping of U.S. journalist Jeremy Levin.

May:

* Kidnapping of U.S. priest Benjamín Weir, who was released in February 1985.

July:

* Missile attack on the embassy of the former USSR in Beirut.

August:

* Kidnapping of the secretary general of the Lebanese Jewish community

* Attack, in Marbella, Spain, on the owner of the pro-Iraqi Kuwait newspaper *Al Anbaa* (one death and one injury).

September

* Suicide bombing of the U.S. embassy annex in Beirut, killing 23.

November:

* Kidnapping and murder of U.S. citizen Peter Kilburn, whose body was found in April 1986.

December:

* Hijacking of Kuwaiti Air flight 221 in Teheran and killing of two U.S. International Development Agency officials, Charles Hegna and William Stanford.

***1985**

January:

* Kidnapping in Beirut of U.S. priest Lawrence Martin Jenco, who was freed in July 1986.

* Assassination of two French military advisers in Beirut.

March:

* Kidnapping of professor Geoffrey Nash and businessman Brian Levick, both Britons, as well as French diplomats Marcel Fontaine, Danielle Perez and Marcel Carton, all of whom were liberated shortly afterwards.

* Truck bombing attack on Israelis in Metulla, Lebanon, causing 12 deaths and 14 injuries.

* Kidnapping of Associated Press journalist Terry Anderson in Beirut.

* Kidnapping of the president of the Lebanese Jewish community.

* Kidnapping of French nationals Robert Valentian and J. C. Dupuis, who were liberated a few hours later.

* Bombing of a movie theatre in Paris.

May

* Series of bombing attacks in Riad, Saudi Arabia.

* Kidnapping of journalist Jean-Paul Kaufmann and investigator Micheal Seurat, both French nationals.

* Kidnapping of the director of the American University in Beirut,

David Jacobsen.

* Car bomb attack in Kuwait against the country's Emir, causing three deaths.

* Murder of Briton Denis Hill, chairman of the English department at the American University in Beirut.

June:

* Hijacking of TWA flight 847 and murder of U.S. navy diver Robert Stethem. 39 U.S. citizens were held hostage in Beirut for 17 days, and were all freed in exchange for the release of 1500 prisoners by Israel.

* Kidnapping of Thomas Sutherland, dean of the American University in Beirut.

July

* Simultaneous bombing attacks on the offices of Northwest Orient Airlines and a synagogue in Copenhagen, causing one death and 26 injuries.

December:

* Detonation of a series of bombs in Paris. Members of Hezbollah were arrested and were charged with the murders of two Lebanese Jews.

***1986**

March:

* Kidnapping of the following members of a French TV crew while they were filming a Hezbollah meeting: Philippe Rochot, Georges Hansen, Aurel Cornea and Jean Louis Normandin.

* Murder of the hostage Seurat.

* Kidnapping of four members of the Lebanese Jewish community, including its vice president, whose "execution" was announced in February 1986.

April:

* Bombing of the offices of Northwest Orient Airlines in Estocolmo.

Kidnapping of two Cypriot students in Beirut.

September

* Kidnapping of U.S. citizens Frank Reed and Joseph

Cicippio in Beirut. The Organization of Revolutionary Justice claimed responsibility for the operation.

* Assassination of the French military attache Colonel Christian

Goutierre in Beirut.

* Bombing attacks in Paris, capture of various presumed members of Hezbollah.

October

* Kidnapping of Edward Austin Tracy

***1987**

January:

* Kidnapping of German businessmen Rudolph Cordes and Alfred

Schmidt.

* Kidnapping of Briton Terry Waite, an Anglican envoy.

* Kidnapping of Jesse Turner, Alan Steen, Robert Pohill and Mithileshwar Singh, all professors at the American University in Beirut.

* Kidnapping of French national Roger Auque.

* Arrest of Abbas Ali Hamade in Germany

for the kidnapping of German citizens in Beirut and for possession of explosives.

Hamade was sentenced to 13 years' imprisonment in 1988.

* Kidnapping in Beirut of German national Ralph Schray, who was

liberated in March 1988.

* Kidnapping of the U.S. journalist Charles Glass.

July

* Hijacking of an Air Afrique flight and murder of a French passenger. The hijacker, whose name was Hariri, had been trained by Hezbollah in Lebanon.

***1988**

February:

* Hezbollah kidnapped and subsequently murdered U.S. Marine Lieutenant Colonel

Richard Higgins, who was the military attache of the

UN peace forces near Tyre.

April:

* Kuwait Airlines flight 422 was hijacked and then diverted to Teheran,

where the plane was refuelled. It then flew to Cyprus, landing in Argelia, where

the hijackers escaped.

October

* Car bombing suicide attack near Metullah, resulting in the death of eight Israeli soldiers and the injury of seven.

***1989**

* Hezbollah accepted the Taef treaty to end the Lebanese civil war. Pursuant to the terms of the treaty, Hezbollah was the only faction that did not disarm, owing to Syria's insistence that members of Hezbollah were "resistance" fighters who were only fighting to regain disputed territory, and were not fighting against their Lebanese compatriots.

May

* Kidnapping of German social workers Heinrich Streubig and Thomas Kemptner near Sidon.

July

* Shortly after the kidnapping of sheik Abdul Karim Obeid (a high ranking Hezbollah official), Hezbollah issued a video showing the execution of Higgins and stating that he had been killed in reprisal for Obeid's kidnapping. However, U.S. and Israeli intelligence officials believed that Higgins had been killed prior to the kidnapping, probably in July 1988, after a U.S. missile launched from the USS Vincennes shot down a civil Iranian airliner over the Persian Gulf.

August:

* Suicide attack against an Israeli military convoy at the entrance to the village of Kleia in southern Lebanon. The attack was carried out in an area that was controlled at the time by the Army of Southern Lebanon, a militia that controlled the "security zone" adjoining its border in southern Lebanon.

The suicide bomber was identified as sheik Assad Hussein Brru, who was driving a vehicle loaded with TNT that exploded in the path of a convoy composed of two tanks and six jeeps (file 387).

October

* The political leaders of Hezbollah met in Teheran to discuss the group's political future.

***1990**

July

* The Iranian government interceded in the conflict between the PLO and Hezbollah, and negotiated a cease-fire between the two groups.

November:

* Amal and Hezbollah agreed to put an end to two years of internal conflict.

December:

* Amal and Hezbollah groups attend a conference on Palestine in Teheran.

***1991**

* Just before the opening of the peace negotiations in Israel, Hezbollah killed a U.S. soldier and carried out two bombings in Turkey, killing an Egyptian diplomat.

November:

* A car bomb exploded at the American University in Beirut, killing one person, injuring 12, and causing substantial damage.

***1992**

February:

* Three Israeli soldiers were stabbed at a Lebanese training camp. On the following day, Israeli troops killed Abbas Moussawi in a helicopter attack. The following week, Israel launched numerous aerial bombardments and military raids in Lebanon, and realized a 24 hour search and destruction incursion into some villages that were controlled by Hezbollah, which then responded by launching rockets into northern and the area declared by Israel to be the security zone.

March:

* Two members of Hezbollah shot grenades into the Neve Shalom synagogue in Istanbul.

* Car bombing of the Israeli embassy in Buenos Aires, killing 22 and injuring more than 350.

July

* Hezbollah reached an agreement with AMAL concerning the coordination and expansion of joint operations against the Israeli army in Lebanon.

August:

* Nine Israeli soldiers were wounded in a suicide bombing.

* Lebanon held its first general election in 20 years. In the final round (in September) Hezbollah gained control of eight of the 128 parliamentary seats, plus the election of four very loyal Sunnis who were not members of Hezbollah, and believed that it exercised influence over eight other members of parliament, who were likewise not members of Hezbollah.

October

* Nasrallah held a high profile meeting with the leader of the Iranian revolution Ali Khamenei, who stated that it was necessary to combine the Jihad with political activities. This was regarded as support for the Hezbollah strategy of expanding its political activities while continuing to carry out terrorist attacks.

* Hezbollah held a meeting with eight other high ranking Iranian officials, including the president of the Iranian parliament Ali Akbar Nateq Nouri, who also offered Hezbollah his support and congratulated the group on their electoral success.

* Car bombing of an Israeli military convoy in the village of Ahmadiyah on the edge of the security zone, killing eight soldiers and wounding five. Following this attack, Hezbollah launched more than 30 rockets into northern Israel during two days of Israeli aerial bombardments. These actions resulted in the death of a total of eight persons on the Lebanese and Israeli sides.

***1993**

February:

* Hezbollah coordinated and particpated in a conference in Iran that was attended by approximately 300 leaders of militant Islamic groups and Iranian intelligence officials. According to the available information, Hezbollah decided to abandon its moderate stance increase the scope of its terrorist operations.

March:

* German authorities captured two members of Hezbollah who were apparently planning to free the Hamadi brothers, who had been imprisoned for committing terrorist attacks.

July

* Hezbollah killed seven Israeli soldiers in series of attacks over a two week period. Israel responded with Operation Responsibility, involving the heaviest aerial bombardments in Lebanon for over a decade.

* Hezbollah responded by launching 65 Katyusha rockets into Israel, killing three Israelis and provoking more violent reprisals. Six Syrian soldiers, 15 Hezbollah fighters, and more than 115 Lebanese civilians died in these attacks.

* Nasrallah offered to stop launching rockets in exchange for Israel's suspension of their bombing raids. The attacks continued. At an emergency meeting of the Arab League in Damascus, Hezbollah promised to end the rocket attacks if Israel stopped the bombing raids. The U.S. and the Pope also helped negotiate the cease-fire, which was called the Damascus accord. The U.S. State Department indicated that Hezbollah guerillas had infiltrated the former Yugoslavia and warned all Westerners in the region against possible attacks.

November:

* The U.S. State Department announced having received intelligence reports indicating that a Hezbollah group consisting of more than six persons had infiltrated Somalia and might be planning operations such as suicide car bombings against U.S. and UN forces that were deployed in Somalia.

***1994**

July

* Attack on AMIA in Buenos Aires, the investigation of which is being conducted by the prosecutor's office that drafted the present report.

* Bombing of a Panamanian Alas Chiricanas flight on 19 July, killing all passengers and crew (p. 762 of file 267, and file 278).

***1995**

April:

* Hezbollah claimed responsibility for a suicide car bombing in the village of Bint Jbeil in southern Lebanon, in which the attacker died and nine Israeli soldiers were injured.

August:

* Hezbollah claimed responsibility for a roadside bombing attack near Braachit in which two persons were killed.

September

* Hezbollah claimed responsibility for bombing attack near Jezzine, in which one person was seriously injured.

December:

* Hezbollah claims responsibility for a bombing near Qawzah in which three persons were injured.

e.1) The attack on the Israeli Embassy in Buenos Aires

An attack of the type that was carried out against the Israeli embassy in Argentina merits particular attention in the present report. We regard this attack as a key background element of the AMIA attack, since in addition to its proximity in time and place to the latter event and the apparent continuity therewith, it shares a number of characteristics with the AMIA bombing that make it the latter's immediate predecessor and a key source of information that can shed light on the attack of 18 July 1994.

Opinions concerning fundamentalism, religious terrorism, Islamic ideology that unashamedly uses extreme violence as an instrument of foreign policy, as well as the doleful consequences of the Arab-Israeli conflict, are all issues that are relevant for Argentina. However, these issues are addressed mainly by academics, or within the context of speculations on international politics, but these matters are largely absent from everyday life in Argentina.

The Arab-Israeli conflict, which is regarded as being an event that unfolds far from Argentina, erupted into Argentine society with the bombing, on 17 March 1992 of the Israeli embassy, an event that represented the exportation of a type of violence that was unprecedented in Latin America. At this period, Argentines began to be aware of the fact that phenomena that occur far from Latin America can transcend their immediate frontiers and come knocking at our door.

The Argentine supreme court investigation into the bombing of the Israeli embassy (which we have termed the "Embassy" case in the present report) resulted in a ruling on 23 December 1999 which described the facts of the case, analyzed the main aspects of the investigation into the case, and named those who were responsible for the crime.

In view of the significance of this ruling, which provides a comprehensive overview of the 1992 attack, we shall now describe its most important aspects.

The Argentine supreme court accepted as proven that "on 17 March 1992 at approximately 2.45 p.m., a Ford F-100 panel van license plate C 1.275.871 was driving down calle Arroyo in Buenos Aires, drove up on the sidewalk in front of no. 916 on the aforementioned thoroughfare – said address being that of the Israeli embassy – whereby said action produced a massive explosion" (finding of fact no. 16, p. 38.514 of the aforementioned ruling).

The explosion was provoked by an estimated 110 to 250 kilograms of explosives, composed of a mixture of pentaeritrytol tetranitrate and trinitoluene in an estimated proportion of 50-50, which was located in the back right section of the vehicle (finding of fact nos. 18 and 68 in the ruling).

The explosion destroyed (among other damage) the front of the embassy building, causing the entire consulate building and part of the embassy building to collapse, and the deaths of 22 persons and injuries to 350 other persons (finding of fact no. 19 and 20 in the ruling). The court also pointed out the existence of a suicide driver (finding of fact no. 21 of the ruling).

Beginning from finding of fact no. 26 of the ruling, the supreme court described the proof that shows that the epicenter of the explosion was outside the embassy building. In this regard, the

court's ruling emphasized the existence of an irregular sized crater, the disappearance of the edge of the sidewalk and part of the asphalt roadway, and the rupture of a water main in an area that encompassed part of the road and sidewalk just outside the embassy – thus ruling out the possibility that the explosion might have occurred inside the embassy building (finding of fact no. 28).

The court backed up this conclusion with the following observations from two expert's reports concerning the attack:

a) The *Departamento de Explosivos de la Policía Federal Argentina* [Explosives department of the Argentine federal police] indicated that the crater was located at the sidewalk in front of no. 910 on calle Arroyo and in very close proximity to the front perimeter of the building, which was also adjacent to part of the sidewalk; and

b) The *Gendarmería Nacional* [National police] determined that the crater was slightly farther from the front perimeter of the building, at the edge of the sidewalk and the road surface.

The court discussed the presence of a Ford F-100 that used as a car bomb in the attack, beginning at finding of fact no. 37 of the decision.

The most important point made by the court in this regard was as follows: "Several hours after the event, the front section of an engine block was found in the garden below the staircase to the apartment building at Arroyo 897. This engine block showed signs of having been subjected to high pressure and temperature" (finding of fact no. 37).

According to finding of fact no. 38, personnel from *the Departamento de Explosivos de la Policía Federal Argentina* [Explosives department of the Argentine federal police] determined that this piece of engine block was from a six cylinder engine. This led to the finding that the deformations of said piece of engine block are impossible to reproduce by any mechanical means, and could only have resulted from a massive explosion (findings of fact nos. 40-44).

In findings of fact nos. 47 and 48, the court stated with regard to the vehicle used in the attack that the serial number of the aforementioned engine was FXAH-16300 and that the engine integrated the equipment of a 1985 Ford F-100 panel van with chassis no. KB1CFX-07696, which corresponded to manufacturing certificate no. J-21629. Said vehicle was delivered on 31 July 1985, for purposes of sale, to Ford Motor Argentina SA Eduardo N. González SAC located at Av. Corrientes 6445 in Buenos Aires (finding of fact 47). The vehicle's license plate was C-1.275.871 (finding of fact 48).

Once the court had established that the aforementioned panel van was the van that was used in the attack (finding of fact no. 63), and after having ruled out the possibility that an engine had been replaced or any other scenario that might have cast doubt on the provenance of the chassis-motor unit (finding of fact no. 57), the court reviewed another series of elements that corroborated the court's previous assertions in the ruling, and which are of particular interest with respect to the parallels between the embassy and AMIA bombings, a matter which we shall return to presently.

One of the key elements in the case is the proven fact that a vehicle whose license plate ended in 871 entered the Dakota SA parking lot on the section of calle Cerrito that is between Juncal and Arenales streets, a location that is only a few meters from the Israeli embassy. The relevant ticket,

which was an exhibit in the case, is dated 17 March 1992. According to the time stamps on this ticket, the vehicle entered the aforementioned parking lot at 1.18 p.m. and left the parking lot at 2.42 p.m. (findings of fact 66 and 67; the latter describes in detail the probative measures that were used in order to determine that the vehicle parked in the parking lot was in fact the vehicle that was used as a car bomb).

In the interest of establishing the similarities between the AMIA and embassy bombings, the Argentine supreme court's observations concerning the purchase of the Ford panel van used in the attack are of particular importance.

In this regard, the court accepted as proven that at around noon on 24 February 1992 at the dealership located at Av. Juan B. Justo 7533/7, owned by Roberto Barlassina, a person with a Portuguese accent who stated he was Brazilian and that he purchased and sold vehicles for third parties, looked at the vehicle, left the dealership, and then returned at approximately 6.30 p.m. when the dealership was about to close (finding of fact no. 82). The purchaser showed an ID document in the name of de Elias Griveiro Da Luz, no. 34031567, and the address Rivadavia 1.500 in Pifiac in Bs. As. province, although he signed his name Elias Ribeiro (finding of fact no. 83).

Apart from the means used by the court to identify the purchaser of the Ford F-100 panel van, the court was unable to determine where the car had been driven and stored up until noon on the day of the attack (finding of fact 87).

Having summarized the event itself, the court then began an analysis of the various avenues of investigation that were pursued in the case with a view to determining who was responsible for the crime (finding of fact no. 77).

In the interest of identifying the parallels between the AMIA and embassy attacks in terms of the persons and places that are common to the investigations of both events, the role in the attack that the court ascribed to Islamic Jihad should be mentioned. The court described the latter organization as the military wing of Hezbollah and identified Fayiz Mughniyah as one of the persons that was responsible for the attack.

Specifically, in finding of fact no. 298 of its decision, the court stated as follows: "Pursuant to what the present court stated on 10 May 1999, the evidence in the case supports the contention that the 17 March 1992 attack on the Israeli embassy in Argentina was organized and carried out by the terrorist group known as Islamic Jihad, which is the military wing of Hezbollah" (p. 37.701 of the aforementioned decision).

Of the numerous pieces of evidence cited by the court as substantiation of the aforementioned accusation, the following elements merit particular attention:

* Cable no. 010036/92 of 18 February 1992 sent by the Argentine embassy in Lebanon. This cable quotes various comments from the Lebanese press concerning fears in certain Western countries of possible kidnappings in the wake of the killing of Hezbollah secretary general Abbas Moussawi. Mention is also made of a Reuters cable reporting on the state of alert in the embassies in Lebanon (p. 11.607 and p. 11.611 of the aforementioned ruling).

* Cable No. 010037/92 of 18 February 1992 from the Argentine embassy in Lebanon. This cable quotes various statements by the Hezbollah spiritual leader sheik Fadlallah during Moussawi's

burial, including the following: “Israel will not escape vengeance. We have received the message that there is no need to respond in an emotional fashion" (p. 11.610).

* Cable no. 010041/92 of 24 February 1992 containing other statements by Fadlallah to the effect that (a) the invasion that led to the death of Moussawi had launched a war that will conclude in June with the Israeli elections; and (b) there would be no return to the kidnapping methodology, and that there would be much more violence and much more blood would flow (aforementioned pages).

* Cable no. 010056/92 of 19 March 1992 in which the Argentine embassy in Lebanon reported on a communiqué published in the local newspaper *An Nahar* in which Islamic Jihad took responsibility for the attack (p. 6.771/6.772).

* Photocopy, certified by Argentina consular officials, of the aforementioned newspaper article and the translation thereof (p. 7.442, para. 3, and p. 7.374/7.381).

* Cable no. 010066/92 of 23 March 1992 in which the Argentine embassy states that after having previously denied responsibility for the attack, Islamic Jihad claimed responsibility for it via a video, as well as a communiqué in Arabic (p. 9.129/9.130).

* Cable no. 010217/94 of 28 May 1994: In this cable, the Argentine embassy in Lebanon reported that during traditional Friday prayers in a Beirut suburb, the spiritual leader of Hezbollah Mohammed Hussein Fadlallah stated, with regard to Dirani’s kidnapping, that "the resistance has a great deal of oxygen, the enemy said that he has a very large reach, but when Abbas Moussawi was assassinated the Islamic fighters proved that their reach can extend all the way to Argentina. The

battlefront now encompasses the whole world and the battle will unfold as time goes by" (p. 10.022/10.023).

* Testimony by Juan Ángel Faraldo (p. 8.050/8.053 (reverse) and p. 10.002/10.003 (reverse)), former Argentine ambassador to Lebanon at the time of the attack and the person who corroborated that all of the aforementioned cables were in fact sent by the embassy of which he was in charge. He also stated that Fadlallah, the spiritual leader of Hezbollah, indicated to Faraldo when he was ambassador that he (Fadlallah) was opposed to Zionism and that maintenance of an armed militia (i.e. Hezbollah) was the manifestation of permanent opposition to Israel.

* Report from Interpol in Brussels indicating that the political, social and military organization known as Hezbollah had claimed responsibility for some of its actions under the name of Islamic Jihad (p. 1.968/1.981).

* Communication from the U.S. Central Intelligence Agency indicating that Islamic Jihad, an armed wing of Lebanese Hezbollah, had claimed responsibility for the attack (p. 6.763 and translation p. 31.998/31.999). This information is consistent with that provided by the Secretariat of Intelligence to the effect that Islamic Jihad is a name used by Hezbollah as a way to avoid reprisals against it (p. 7.994/8.000).

* Information provided by the U.S. embassy indicating that Islamic Jihad is an armed wing of Hezbollah (p. 5.024/5.030).

* Sworn affidavit signed by the head of the FBI's international terrorist operations section and two U.S. diplomats indicating that (a) Islamic Jihad is one of the names used by Hezbollah with a

view to maintaining the group's anonymity, mainly in connection with actions involving the use of explosives; and (b) Hezbollah never claims responsibility for a terrorist attack that it has not actually committed (aforementioned pages and p. 24.452/24.460 and 24.883/24.889 (reverse)).

* Reports published from 1994-1998 by the U.S. State Department's Office for the Coordination of Counterterrorism indicating that Hezbollah was responsible for the attack, and that in this case it used the name Islamic Jihad (p. 46,43,48,49, 61 and translations of file 4)

In another passage from its decision, the Argentine supreme court indicated that "the modalities of the attack were by and large consistent with those that have been observed in connection with actions that have been ascribed to Islamic Jihad." The court then analyzed these actions on the basis of a list of terrorist operations from one of the reports mentioned above.

The court also pointed out that an investigation was being carried out with a view to determining which individuals within "Islamic Jihad" (which the court took to mean the armed wing of Hezbollah) were responsible for the planning and execution of the attack, and indicated that the initial results of the investigation clearly established a strong enough suspicion to put Imad Fayiz Mughniyah on trial, a fact that prompted the court to issue an international request for capture for the aforementioned individual with a view to conducting a preliminary interrogatory (finding of fact nos. 299-301).

On the basis of the foregoing, the court went on to describe Hezbollah's internal structure (finding of fact 300 and 301), indicating that as from 17 February 1992, when Moussawi was killed, sheik Mohammed Fadlallah had been the secretary general of Hezbollah. The court also

stated that Hezbollah's structure also integrated a Special Security Apparatus (SSA), which in turn integrated a Preventive Security Apparatus, a Central Security Apparatus and an External Security Apparatus.

The key members of the Central Security Apparatus were Imad Mughniyah, Abd Al-Hadi Hamadi, el Jeque Hussein Ghabris, el Jeque Hussein Khalil, Nabil Kakuk, Hamze Zakaria, Mohammed Ali Mikad and Hassan Mohamed Ali Izzeldine/Ezzedin, each of whom carried out specific tasks.

Mughniyah and Abd Al-Hadi Hamadi (who were members of the leading Hezbollah clans) were the directors of Hezbollah's Central and External Security apparatuses, and in this capacity had orchestrated kidnappings of Western individuals during the 1980s and 1990s and were also in charge of special foreign operations.

Following is a description of the key evidence that the court used to substantiate the aforementioned statements:

* FBI report describing Mughniyah's activities and his ties to Iranian intelligence (translation, p. 24.883/24.889 (reverse)).

* U.S. State Department report indicating that in 1992 Mughniyah held the highest position within the Lebanese terrorist wing of Hezbollah and that he was directly involved in most of the terrorist operations that were carried out (p. 224/225 and translation p. 230/232).

* Copy of the U.S. indictment of Mughniyah for his role in the hijacking of TWA flight 847.

* German government report alleging that Mughniyah was head of Hezbollah's External Security Apparatus and that in this capacity he was in charge of planning, preparing and carrying out terrorist operations outside of Lebanon (p. 217/223).

* Report indicating that German government authorities regarded Imad Fayid Mughniyah as being one of the senior Hezbollah external security officials that Iran had used (p. 120 of file 7 of the report mentioned in the previous item).

* Interpol reports concerning the aforementioned U.S. request for capture, as well as another report indicating that an alert was issued in Germany in 1994 warning of the possible entry into Germany of a group sent by Mughniyah to carry out attacks against U.S. targets.

* The Argentine supreme court also described at length (in finding of fact no. 302) the testimony of Witness A in the AMIA attack case, to the effect that Mughniyah had been identified as Imad Moughnieh.

In finding of fact no. 304, the court stated that in addition to the terrorists mentioned in the court's decision of 10 May 1999, there were many other terrorist attacks (which the court enumerated) which, according to statements by subject experts Bruce Hoffman and Ariel Merari, could potentially provide information on the terrorist organizations such as that to which the attack was attributed.

In this regard, finding of fact nos. 305-307 make extensive reference to the testimony by terrorist experts Bruce Hoffman (p. 36.696/36.713) and Ariel Merari (p. 36.714/36.723).

Both of these witnesses indicated that the area constituted by the cities of Puerto Iguazú, Argentina, Ciudad del Este, Paraguay and Foz de Iguazu, Brazil were obvious places for the organizers and perpetrators of the attack to recruit relatively trustworthy people; and that from Buenos Aires, said organizers and perpetrators were readily able to instruct these individuals to carry out operational tasks such as purchasing the van. These two expert witnesses' conclusions were consistent with existing intelligence reports concerning Hezbollah's presence in the Triple Border area and the related investigations realized in said area concerning persons, domiciles and businesses that the court indicated should be investigated further (findings of fact nos. 307 and 308).

The foregoing brief analysis of the Argentine supreme court's decision and the nature of the 1992 bombing of the Israeli embassy reveal some of the parallels between the aforementioned bombing and the AMIA attack. However, above and beyond this, the more one examines the specific characteristics of the AMIA attack – the target, possible reasons for the attack, type of vehicle used, the circumstance surrounding the purchase of the vehicle, the presence of a suicide driver, and the identity of the perpetrators – the more logical it becomes that the same criminal matrix was behind both crimes, which in turn leads to the inescapable conclusion that the attack on the Israeli embassy was the immediate forerunner of the AMIA bombing.

We therefore feel that it is quite useful to briefly outline the parallels between these two events, as this will provide an optimally clear overview of the parallels alluded to in the previous paragraph.

a) Target: An examination of the facts in the two cases clearly reveals the similarity between the targets in each instance, since both were obvious centers of the Jewish community in Argentina, despite the differences in the activities and characteristics of the institutions involved.

b) Reasons for the attack: Like the possible reason for the murder of Hezbollah secretary general Abbas Moussawi indicated by the Argentine supreme court in a period that antedated the attack on the Israeli embassy in Argentina (findings of fact nos. 299 and 300), of interest in terms of the embassy attack are the various statements made by Fadlallah concerning the attack as well as the motives expressly stated by "Islamic Jihad" in its communiqué claiming responsibility for the attack. However, as pointed out previously, it should also be borne in mind that the months leading up to the AMIA attack were marked by escalating violence in the Middle East, and particularly by the kidnapping of the fundamentalist Moustapha Dirani on 21 May 1994, and the various statements and threats of reprisals that ensued.

c) Type of vehicle used and the circumstances surrounding its purchase: With regard to the bombing of the Israeli embassy, the Argentine supreme court accepted as proven that (a) on 24 February 1992 a person with a Portuguese accent purchased, from the dealership located at Av. Juan B. Justo 7533/7 in Buenos Aires, the Ford F-100 vehicle that was subsequently used as a car bomb; and (b) the purchaser showed an ID document in the name of de Elias Griveiro Da Luz, no. 34031567, and the address Rivadavia 1.500 in Pifiac in Bs. As., but signed his name "Elias Ribeiro".

In the AMIA attack, a Renault Trafic, which like the Ford F-100 was a van with the capacity to transport a relatively heavy load, was used as a car bomb, and as was the case with the Ford van,

was purchased in the days leading up to the attack, and under circumstances (deceptive identity and domicile) that make it difficult (for the moment) to determine this person's whereabouts.

d) Procedure concerning the car bomb: The Argentine supreme court determined that the vehicle used in the attack entered the Dakota SA parking lot on calle Cerrito between Juncal and Arenales streets, a location that was only a few meters away from the Israeli embassy. The date on the ticket (which is an exhibit in the case) used to park the car was 17 March 1992.

This event has parallels to the verified fact that the Renault Trafic vehicle that was subsequently used as a car bomb was parked at approximately 6 p.m. on 15 July 1994 at the Jet Parking parking lot, which was located at Azcuénaga 959, a location that was in very close proximity to the AMIA building.

e) The presence of a suicide driver: The court in charge of investigating the embassy case indicated that a suicide driver was at the wheel of the car that exploded in front of the embassy.

The evidence in the AMIA attack indicates (a) the presence of a suicide driver who was at the wheel of the car that exploded in front of the AMIA building; and (b) the identity of said driver.

f) Perpetrators: The Argentine supreme categorically stated that the attack on the Israeli embassy in Argentina on 17 March 1992 was planned and carried out by the terrorist group known as Islamic Jihad, which is the armed wing of Hezbollah

As has been shown in the present report, based on the evidence in the case there can be no doubt that in its capacity as the executor of one of the foreign policy aims of the Iranian government, Hezbollah was involved in the AMIA attack.

In analyzing various terrorist acts in testimony before a U.S. House of Representatives committee, Phillip Wilcox, the Coordinator for Counterterrorism at the U.S. State Department, testified that the tragic bombing of the AMIA building was virtually identical to the attack on the Israeli embassy in Buenos Aires 1992 (p. 2.423/2.430 of file 263).

A cursory examination of the parallels between the two attacks, in combination with their temporal proximity, clearly reveals the extraordinary similarities between these two international terrorist operations, which are inextricably linked and whose shared characteristics point to the existence of a criminal modus operandi indicating that both attacks were orchestrated by the same parties.

f) Imad Fayez Moughnieh

The evidence described below proves that Imad Fayez Moughnieh was an active participant in the planning and execution of the AMIA attack, and thus we will be asking the judge in the case to issue a national and international request for Moughnieh's immediate capture.

Before describing Moughnieh's involvement, we would like to point out that we are of course aware of reports indicating that Moughnieh is no longer alive. However, until such time as his death has been officially confirmed, there is no reason to ascribe more validity to these reports than is warranted, since they are mere rumors – and all the more so in light of the fact that Moughnieh's

activities are known to be of a clandestine nature and that his capture for involvement in other terrorist operations is currently being sought by a number of countries.

According to the information that was gathered in the case, Moughnieh holds a Lebanese passport no. 623298 and a Yemenite passport no. B74867; is originally from Tayr Dibba Lebanon; and earned an engineering degree from the American University in Beirut thanks to support provided by Yasser Arafat (p. 971/974 of file 267). Moughnieh joined Hezbollah at a very young age, held various positions in the organization and ultimately became head of external security.

In this regard, various reports indicate that in 1978 Moughnieh joined the Al Fatah organization known as Force 17, an elite group that was in charge of Yasser Arafat's security. In his capacity as a member of Force 17, Moughnieh acted as a mediator during the 1979 U.S. hostage crisis in Iran, an activity that enabled Moughnieh to form close ties with Iran. In 1982, Moughnieh joined the Association of Lebanese Muslim Students, which was the student wing of the Dawa party and part of Hezbollah. Moughnieh planned and orchestrated the vast majority of this organization's attacks beginning in 1983, including attacks involving explosives, kidnapping with subsequent extortion, and assassinations (p. 1.699/1.727, and p. 714/733 and 1.309/1.339, the latter two from file 313).

Returning now to Moughnieh's activities as a member of Hezbollah, intelligence reports indicate that in 1985, and on the personal recommendation of Yasir Arafat, Moughnieh became a member of the security detail for Hezbollah secretary general Ayatollah Hussein Fadlallah, and one year later joined the Majlis Al Shura, or Consultative Council. Following this, Moughnieh took over as head of the Hezbollah Security Service, and in 1989 became head of the organization's External Security Service, a position he held until being appointed head of the External Service in 1990.

Intelligence reports also indicate that Moughnieh's close ties with Iran's Revolutionary Guard date from this period. The information gathered in the case indicates that in the late 1990s Moughnieh was living in Iran, where he kept a watchful eye on both intelligence and security matters, with a view to protecting Hezbollah's interests (p. 1.309/1.339 of file 313).

As for Moughnieh's role within Hezbollah, Abolghasem Mesbahi testified that Moughnieh was in charge of training guerilla groups, that he organized and orchestrated a large number of anti-Israeli operations in Lebanon and elsewhere, and that the personnel he used in these operations were trained in Iranian military camps (p. 381/416 of file 204).

Magnus Ranstorp testified that Moughnieh was in charge of coordinating foreign operations realized by Hezbollah and was a specialist in recruiting soldiers for the realization of operations in foreign countries. Ranstorp also stated that Moughnieh was the most invisible and powerful operational terrorist in Hezbollah prior to the Al Qaeda attack on 11 September 2001 (p. 43.220/43.223 of the "Embassy" case).

On this same subject, Kenneth Timmerman indicated that each operation realized by the Iranian government had a chief of operations, one of whom was Imad Moughnieh. Timmerman said that Moughnieh played this role in one of the terrorist attacks that were realized in Paris in 1985 and 1986, and that Moughnieh was completely at the beck and call of the Iranian government, which made him one of their most important operatives (p. 76/80 of file 352).

It is also highly relevant in this regard that according to documentary evidence in the "Embassy" case, a U.S. court found that Moughnieh participated in the June 1985 hijacking of TWA flight 847.

(p. 155/169 of file 7 of the "Embassy" case), and that in exchange for release of the passengers aboard the plane, the hijackers demanded that certain prisoners in Israel be freed (p. 155/169 of file 7 of the "Embassy" case).

Now that we have described the elements indicating the close ties between Moughnieh and both the Iranian government and Hezbollah, as well as Moughnieh's role as an operative at the time attacks were being realized outside of Lebanon, we will describe the contacts that Moughnieh maintained with other terrorist elements, for when validated in conjunction with the rest of the evidence in the case, this information sheds greater light on Moughnieh's connection with the AMIA attack.

This is corroborated by the translation of a segment of the U.S. TV program *60 Minutes* that was submitted by the Secretariat of Intelligence, during which Larry Johnson, a former U.S. State Department counterterrorism official, indicates that Moughnieh was Osama Bin Laden's mentor and that he (Johnson) had personal knowledge that the two men had attended various meetings together (p. 109.788/109.791 of case 487/00 of the court register of *Tribunal Oral en lo Criminal Federal no. 3*).

In this regard, Manoucher Ganji indicated that Moughnieh attended an October 1994 meeting whose purpose was to plan various terrorist operations against U.S. targets. Ganji further stated that the success of the AMIA attack served as an impetus to carry out terrorist activities in the U.S. as well (p. 65/69 (reverse) of file 352).

We shall now focus on Moughnieh's connection with the bombing of the Israeli embassy on 17 March 1992, in view of the notable parallels between said event and the AMIA attack and the presence of an identical criminal modality involving an attack on a Jewish target in Buenos Aires, all of which means that the possibility that both attacks were planned and carried out by the same parties cannot be ruled out.

In this regard, in addition to what has been said on this subject elsewhere in the present report, it should be borne in mind here that the Argentine supreme court investigation into the attack on the Israeli embassy reached the conclusion that said attack was realized by Islamic Jihad, in its capacity as the armed wing of Hezbollah. The court also found that Imad Moughnieh was the leader of Islamic Jihad, and accepted as proven that Moughnieh is a suspect in the case and that therefore the statutory criminal proceeding should be invoked in his regard (*Código de Procedimientos en Materia Penal*, law 2372). This in turn prompted the court to issue an international request for Moughnieh's capture with a view to his appearing in court for a preliminary interrogatory (findings of fact nos. 299-301 of the decision of 23 December 1999).

Moreover, in line with what was stated above concerning Moughnieh's situation in light of the notable parallels between the AMIA and Israeli embassy attacks, we shall now turn to the evidence described by the Argentine supreme court indicating that Moughnieh was the head of the organization that carried out the embassy attack, inasmuch as this evidence sheds greater light on Moughnieh's actions, which it is essential to consider in analyzing his connection with the AMIA attack.

The evidence validated by the court included a 1992 U.S. State Department report indicating that Moughnieh held the highest position within Hezbollah's armed Lebanese wing and that he was involved in the vast majority of the terrorist operations realized by Hezbollah (p. 1.305/1.308 of file 313).

Moughnieh's connection with the attack on the Israeli embassy was also indicated by the testimony of Witness A (p. 72/86 of file 313) and by Israel's foreign minister Silvan Shalom. He stated that Hezbollah was the perpetrator of the attack via its executive arm abroad that was headed by Imad Moughnieh, and that Iran was aware of the attack and authorized its realization (p. 106.643).

The court then described Moughnieh as the principal figure in terrorist operations realized by Hezbollah, and also stated that he was the leader of the faction that realized the attack against the Israeli embassy in Buenos Aires, thus validating the evidence described below and confirming the fact that Moughnieh is a suspect in the AMIA attack on the grounds of his role in it. As will be shown later, once the decision had been made to carry out the AMIA attack, minister of information Ali Fallahijan instructed Moughnieh to form the operational group that ultimately carried out the attack.

The foregoing is also substantiated by the *Informe Internacional* realized by the Secretariat of Intelligence, which indicates that pursuant to the decision made by the Committee for Special Operations, Ali Fallahijan (head of Vevak) instructed Moughnieh "to take charge of the operation," whereupon Moughnieh formed the operational group that carried out the attack (p. 128).

This in turn is corroborated by Abolghasem Mesbahi's testimony, in which he stated that Moughnieh participated in the bombing of the Israeli embassy and was "head of the operational team in Argentina" (p. 3.608/3.635 of file 204). In other testimony concerning Moughnieh and his possible connection to the embassy and AMIA attacks, Mesbahi indicated that Moughnieh "was the perpetrator of both attacks" (p. 3.448/3.461 (reverse) of file 204).

Cognate with this, Witness A indicated that Moughnieh planned the attacks on AMIA and the Israeli embassy, and that he was the ideologue behind all terrorist attacks carried out against Israel throughout the world (p. 590/595 of file 313).

In this regard, Yoram Schweitzer[71] stated that Moughnieh was part of the chain of command for Hezbollah's international attacks. He also said that in the case of the AMIA attack, once the fatwa approving realization of the attack had been issued, the chain of command went from Ali Fallahijan to sheik Hassan Nasrallah to Imad Moughnieh, and that in such cases "the attack is planned by this professional terrorism apparatus and executed by them at the most opportune moment" (p. 7.872/7.918 of file 263).

In this regard, FBI special agent James Bernazzani stated that Moughnieh was head of "Islamic Jihad," which he said was a Hezbollah organization that "probably carried out the AMIA attack" (p. 121.946/121.950).

[71] Schweitzer is an investigator at Tel Aviv university's Jaffe Center for Strategic Studies. He worked for Israeli intelligence for 10 years (until 1998), is an expert on suicide and state terrorism, and is co-author, with Shaul Shay, of *The Globalization of Terror: The Challenge of Al-Qaida and the Response of the* International *Community*.

This was also corroborated by the Secretariat of Intelligence, which stated that Moughnieh was head of Special Security for Hezbollah and was in charge of planning all of its international terrorist attacks (p. 714/733 of file 313).

Hence, it appears to have been sufficiently demonstrated that in his capacity as head of Hezbollah's external security apparatus, Moughnieh was the person who received instructions from the Iranian Ministry of the Interior (after the decision was made to carry out the attack) and that he implemented these instructions by forming an operational group for realization of the actual attack. Hence it is necessary to request that a national and international request for his capture be issued.

In this regard, the related evidence that Moughnieh played a role both as planner and ideologue for the attack should be borne in mind, as should the solid evidence from the Argentine supreme court's investigation of the attack on the Israeli embassy, whereby Moughnieh is described as one of the leaders of the organization that carried out the attack, as well as – and this is a crucial factor – the striking parallels between the embassy attack and the AMIA bombing.

Hence there are very good grounds for suspecting that in his capacity as a senior external security official in Hezbollah at the time of the AMIA attack, and by virtue of his position and assigned tasks, Moughnieh played an active role in forming the operational group that carried out the attack, and thus we hereby request that a request be issued for his capture.

g) The Triple Border area

In connection with the observation made elsewhere in the present report to the effect that the permeability of Argentina's borders may have helped facilitate the AMIA attack, the Triple Border

area – meaning the tripartite border between Brazil, Paraguay and Argentina – merits consideration in a separate section.

As we shall see later, the Triple Border area was a relatively important center of economic activity for the region in which Argentina is located. The area's economic importance dates back to the early 1970s when the Itaipu hydroelectric dam was built. Like all large scale projects of this type, the dam attracted both settlers and new businesses to the region, resulting in the development of businesses that serviced the needs of the new inhabitants and companies that had relocated to the area (p. 2 of the Annex "Triple Frontera" in *Informe Internacional*).

As a result of this evolution, the area took on increasing economic importance, which was promoted by the interconnections between the following three cities: El Puente de la Amistad, which was connected to Foz de Iguazu and Ciudad del Est; and Puente Tancredo Neves, which connected Puerto Iguazú with Foz de Iguazu. This infrastructure made it easy to cross over from one country to the other.

In addition, according to the Secretariat of Intelligence, Brazil's federal police stated that until 2001 inhabitants from 65 different countries were living in Foz de Iguazu (p. 3 of the Annex "Triple Frontera" in *Informe Internacional*), that Ciudad del Este also had a very heterogeneous cultural makeup, and that many of these foreigners were of Lebanese extraction whose families lived in the Bekaa valley in Lebanon, an area which, as pointed previously, was a major Hezbollah center (p. 5 of the Annex "Triple Frontera" in *Informe Internacional*).

Various educational, cultural and religious institutions with links to the greater Arab community also sprung up in these cities, one example being the Profeta Mahoma mosque in Ciudad del Este, which was built by a prominent member of the local Arab community Mohammed Youssef Abdallah, who had been living in Ciudad del Este since July 1980.

According to the Secretariat of Intelligence, Abdallah was also one of the Hezbollah members of longest standing in the Triple Border area (p. 4 and 33/34 of the Annex "Triple Frontera" in *Informe Internacional*).

Similar in nature to the aforementioned mosque were the Husseinia mosque and the Islamic Charitable Association, both located at the same address (José María Brito 929/931, local phone 573-3429) in Foz de Iguazu, and both closely tied to Farouk Abdul Omairi, who is thought to have been a key member of Hezbollah (p. 4 of the Annex "Triple Frontera" in *Informe Internacional*; p. 1/11, 46/84, 89/99 and 170/192 of file 201).

Some elements of the Arab community in the Triple Border area were able to maintain ties with terrorist groups through the economic infrastructure that evolved in the region. Apart from its normal business functions, according to the Secretariat of Intelligence (in the Annex "Triple Frontera" in *Informe Internacional*) enterprises with links to Hezbollah were identified in the area during the period leading up to the AMIA attack.

In the same vein, special FBI agent James Bernazzani indicated that he was familiar with the Triple Border area and indicated that it was a place where just about anything can be hidden, planned and purchased, since the area has a very strong criminal element. He also stated that in

1994 Hezbollah elements inhabited the region, adding that any participation in the AMIA attack on the part of elements in the Triple Border area would have involved logistics, obtaining explosives and money, and helping operatives to enter and leave Argentina (p. 121.946/121.950).

Moughnieh indicated that “the Triple Border area is a center of Lebanese economic activity, and that some funding comes from Iran, thus allowing Iran to enlist the aid of the Lebanese in obtaining visas, documents, safe houses and so on – although the main goal is to collect money to send to Buenos Aires mosques and to Hezbollah" (p. 3.448/3.46l of file 204).

It is particularly relevant in this regard to describe the situations of two businessmen in the Triple Border area, Farouk Abdul Hay Omairi and Assaad Ahmad Barakat, in view of their prominence in the region and the evidence in the case suggesting that these two individuals had direct ties with Hezbollah and its sources of financing.

According to the information available, Farouk Abdul Hay Omairi was a prominent businessman as well as a Hezbollah leader in the Triple Border area.

Witness A testified that when he went to Foz, he discovered that Omairi was the coordinator of all Lebanese in the area. He stated that Omairi carried out various activities, among them providing immigrants to the region with support, in which regard Witness A stated as follows: “He takes care of the visas and residency permits for persons of Arab origin so that they can settle in the region,” and added that “...everyone who comes from Lebanon contacts him at least in connection with the trip" (p. 590/595 and 954/961 of file 313).

The witness categorically stated that "...Farouk Omairi was the Hezbollah representative in Foz" (p. 954/961 of file 313).

Reyad Jafar Mohamed Ali[72] corroborated this when, on being asked about Omairi, he stated that "...he is a highly influential individual in Foz de Iguazu's Islamic community, and is one of the persons who makes arrangements for money to be sent to and received by Hezbollah" (p. 3.140/3.145 of file 201).

Additional relevant information concerning Omairi is provided by the so called Taki case. On 18 August 1988, the Lebanese terrorist and Hezbollah member Mohammed Adel Taki was arrested in Abidjan. At the time of his arrest he had in his possession 70 kilos of explosives and various detonators, grenades, portable weapons and a rocket launcher, all of which were about to be sent to France (p. 1.147/1.257 of file 267).

His diary contained the name of Hajj Farouk Omairi, whose address was Av. Brasil 421 in Foz de Iguazu, and next to his name the annotation "very good brother." This clearly means that Omairi was a person that active members of Hezbollah could turn to in case of need.

Taki was also good friends with the Lebanese terrorist Ali Ibrahim Al-Zain, a Switzerland-based Hezbollah operative who had used Hezbollah money to open a travel agency called Piloto Turismo (p. 170/192 of file 201 and p. 28/29 of the Annex "Triple Frontera" in *Informe Internacional*).

All of these facts clearly reveal Omairi's ties to Hezbollah and his prominent position in the Triple Border area, and thus it is only natural that his business activities are suspected of having

[72] Iraqi national who moved to Spain in 1990 and was imprisoned at the time at Unidad Penitenciaria Provincial no. 1 of Villa a Rosa in Salta.

been used to provide Hezbollah with financial support and provide logistics support for terrorism intelligence the region.

Similar conclusions can be drawn from an analysis of the evidence in the case of Assaad Ahmad Barakat.

According to the information gathered during the investigation, Assaad Ahmad Barakat arrived in the Triple Border area in 1985, where he became a member of the Council of Islamic Action in Ciudad del Este and vice president of the Islamic Charity Organization in Foz de Iguazu. He is regarded as having been one of the region's Hezbollah leaders (p. 116.227/116.256 (reverse); p. 38/39 of the Annex "Triple Frontera" in *Informe Internacional* and p. 170/192 of file 201).

The suspicion that he was a member of Hezbollah is strengthened by judicial reports concerning his past involvement in illicit activities.

During an October 2001 raid on one of Barakat's businesses known as Casa Apolo, videos were seized containing "...incitements to armed struggle and revolution, and that it was better to die and become a martyr than be subjected to the whims of Israel and the U.S.; the homeland is very proud and Israel will be eliminated..."

Barakat's ties to Hezbollah are confirmed by a letter (seized during the aforementioned raid), signed by "brother Hassan Nasrallah" (secretary general of Hezbollah) expressing gratitude for collaboration with the "protection program for brothers and martyrs."

A certified copy of the translation of the aforementioned letter states as follows: "...Thanks for your continued support for the welfare of the brothers who have fulfilled their commitment to God by becoming martyrs and generously sacrificing their blood...Your support is a genuine sign of fidelity of the people of faith, who have all of the values of the martyrs and the holy war..." (p. 4.360 (reverse)/4.362 of file 201, certified copy of the translation at p. 3.282, and report at p. 3.273/3.294 of the aforementioned file).

Seizure of this letter proves that money was contributed to Hezbollah. Moreover, the fact that it was seized in a local business owned by one of the individuals who is suspected of having been a leading representative of Hezbollah in the Triple Border area strongly suggests that local businesses were involved in financing Hezbollah.

Among the businesses of this type located in Foz de Iguazu were the travel and currency exchange agency known as Piloto Turismo Ltda., which was located at Av. Brasil 421 and was jointly owned by Farouk Abdul Omairi and his siblings Mohammed Youssef, Hussein Youssef Abdallah, and Ivete María Marchesini. According to information from the Secretariat of Intelligence, the business was started with funds supplied by Hezbollah and was used to provide other Hezbollah members with passports and other counterfeit documentation (p. 17/22 and 46/84 of file 201 and p. 28/29 of the Annex "Triple Frontera" in *Informe Internacional*).

There were also other businesses connected with Omairi, but they were registered under the names of third party intermediaries.

Barakat owned the following businesses: Galería Pagé (co-owned with Mohammed Abdallah) which served as a Hezbollah center in the Triple Border area (p. 981/1.034 of file 201 and p. 21 and 39 of the Annex "Triple Frontera" in *Informe Internacional*); the aforementioned Casa Apolo, located on the fifth floor of Galería Pagé (p. 38 and 51 of the Annex "Triple Frontera" in *Informe Internacional*); and Mundial Import-Export (co-owned with Sobhi Mahmoud Fayad), which according to the Secretariat of Intelligence served as a main liaison betwen the Iranian embassy in Brasilia and the Hezbollah infrastructure in the Triple Border area (p. 38/39 and 46 of the Annex "Triple Frontera" in *Informe Internacional*).

In addition to showing that a vast commericial network had been established, the evidence in the case also indicates the presence of a series of mechanisms that served to finance terrorist organizations in the Middle East, particularly Hezbollah, via laundered money, contraband, tax evasion, false documents and so on.

One example cited by the Secretariat of Intelligence is that of Ali Khalil Merhi, who is thought to have been one Hezbollah's main repositories for funds in the Triple Border area. However, the activities that resulted in his imprisonment were contraband trafficking and brand counterfeiting (p. 12 of the Annex "Triple Frontera" in *Informe Internacional*).

Other investigations were also realized with a view to identifying money laundering activities. In this regard, the Secretariat of Intelligence issued a report indicating that, according to inquiries initiated in Chile, Barakat realized various money laundering activities involving funds from Ciudad del Este, where most of Barakat's businesses were located. The report stated as follows: "...Chilean intelligence found that in March 2001 Barakat set up two fictitious businesses in

Iquique, Saleh Trading Limitada and Importadora/Exportadora Barakat Limitada, with a view to laundering money from Ciudad del Este" (p. 15 of the Annex "Triple Frontera" in *Informe Internacional*).

In this regard, Jaime Chamorro Navia, former minister of the Chilean Court of Justice, reported that an investigation had been initiated in Iquique concerning activities realized by local terrorist cells. We have requested copies of the relevant documentation via a rogatory letter, but an objection to this request is still pending (p. 4.776/4.777 of file 201).

On being asked how money is sent to Hezbollah from the Triple Border area, the witness Reyad Jafar Mohamed Ali described one of the methods that is employed. He stated that Hezbollah operatives in the Bekaa Valley or Baalbeck, Lebanon print varying denominations of counterfeit dollars. This money is then sent to the Triple Border area and put into circulation via the businesses there. Ali also stated that travelers checks are purchased using this counterfeit money or legitimate money (from sales in the businesses), and these checks are then cashed in various European cities by persons carrying various false Brazilian or Paraguayan passports.

Once the money has been obtained, these individuals return to Lebanon where they deliver the money to Hezbollah via acquaintances with ties to the organization (p. 3.140/3.145 of file 201).

Hezbollah's activities in the Triple Border area have been substantiated by the realization of international terrorist acts that were linked to the region, one emblematic case of this being the March 1992 attack on the Israeli embassy.

In its decision of 23 December 1999, the Argentine supreme court made extensive reference to the testimony of terrorism experts Bruce Hoffman and Ariel Merari, including the following, which is from the court's conclusions: "Both of these experts indicated that the area constituted by the cities of Puerto Iguazú, Argentina, Ciudad del Este, Paraguay and Foz de Iguazu, Brazil was an obvious place for the organizers and perpetrators of the attack to recruit relatively trustworthy people, and that from Buenos Aires, said organizers and perpetrators were readily able to instruct these individuals to carry out operational tasks without their becoming aware of the central purpose of the act..." (finding of fact no. 307).

The court then went on to state as follows: "These statements are consistent with those made by the Secretariat of Intelligence concerning the presence of Hezbollah in the Triple Border area, as well as the conclusions that have been reached and the investigations that have been realized in the Triple Border area concerning certain individuals, domiciles and businesses, with regard to which further investigation is needed" (finding of fact no. 308).

In November 1996, the Brazilian police detected the presence of a Lebanese national by the name of Marwan Adib Safadi (alias Marwan Al Safadi) in Asuncion, Paraguay. The police suspected Safadi of planning an attack against a U.S. target (p. 630/634 (reverse) of the file of Witness N, and the report by the Secretariat of Intelligence, p. 981/1.034 of file 201).

It is significant in this regard that Safadi, who was an explosives and document falsification expert, had participated in the 1993 attack on the World Trade Center in New York. According to the Secretariat of Intelligence, Safadi was a member of a sleeper cell that was part of a terrorist organization known as the Muslim Brotherhood that operated out of and resided in the Triple Border area (report issued by the Secretariat of Intelligence, p. 981/1.034 of file 201). Safadi was

extradited to the U.S. to be put on trial for his participation in the aforementioned attack (p. 630/634 (reverse) of the file of Witness N; and the report by the Secretariat of Intelligence, p. 981/1.034 of file 201).

Cognate with the foregoing, when we analyze the circumstances concerning Ibrahim Berro (the suicide in the AMIA attack and an active member of Hezbollah), we will discuss the possibility that he may have passed through the Triple Border area, as well as the evidence in the case concerning individuals who may have helped him enter the area and then cross over into Argentina.

For these reasons, further investigations are being realized in connection with file 201 and others that were constituted with a view to obtaining further information concerning certain members of the Lebanese community in the Triple Border area, as well as their ties to Hezbollah and possible links with the AMIA attack.

Specifically, investigators are trying to determine whether any of the aforementioned individuals helped provide logistical support for the AMIA attack, and whether they might have helped fund the attack by realizing the kind of illegal activities that often occur in the Triple Border area.

Toward this end, we have ordered that a series of measures be taken with a view to obtaining new information in addition to that already developed by the Secretariat of Intelligence, as well as with a view to incorporating, via a separate channel, the intelligence information that has been provided by the aforementioned body.

In this regard, we have asked the prosecutors of Curitiba and Foz de Iguaz, Brazil, Ciudad del Este Paraguay, and Santiago de Chile, Chile to do the following: (a) obtain from the relevant phone

companies the 1994 telephone records showing subscribers' names and addresses; and (b) submit copies of requests for service and lists of incoming and outgoing domestic and international calls for the period January 1-December 31, 1994 concerning specific phone subscribers that had phone conversations with persons who, according to the Secretariat of Intelligence, constitute Hezbollah cells based in the Triple Border area and that therefore may have participated in or provided support for the AMIA attack.

In addition, we have asked the judicial authorities of Ciudad del Este and Foz de Iguazu for information concerning the various businesses that may have been owned by members of sleeper cells and that may have been used for purposes related to the AMIA attack

By the same token, in view of the fact that persons that may be connected to the AMIA attack may have entered Argentina via the borders between Argentina and Brazil or between Argentina and Paraguay, we have asked the aforementioned prosecutors to submit to us all passport checkpoint immigration records for June and July 1994.

We have furthermore requested the case files concerning the investigations of those persons in the Triple Border area that are most representative of Hezbollah, as is the case with Assaad Ahmad Barakat.

As indicated above, we have requested certified copies of the files concerning any proceeding that may have been initiated in Iquique, Chile in respect to possible terrorist cells that were based in this city, insofar as they may have ties with other cells based in the Triple Border area and thus may be connected to the AMIA attack.

Lastly, we have submitted a rogatory letter to the competent criminal justice authority in Lebanon with a view to determining the names and addresses of telephone subscribers whose phone numbers might have been used by persons that are suspected of having participated in or provided resources for the AMIA attack.

Although we have not yet received responses to the majority of these requests, we are certain that once we have received and processed the information derived from the documentation requested, and have added this information to the contact phone number databases that are gradually coming in and being processed, we will have at our disposal a complete picture of the circumstances concerning the Triple Border area that are relevant to the AMIA case.

The foregoing notwithstanding, a substantial amount of evidence has already been developed in the case indicating the existence of links between residents of the Triple Border area with ties to Hezbollah, and the operational group that carried out the AMIA attack.

A significant element in this regard is that a cell phone whose number was (55-45) 975-1161 was operated in Foz de Iguazu, and that in our view this phone was used for purposes of coordinating the arrival, logistics operations, and departure of the operational group that carried out the final phase of the AMIA attack.

According to information provided by the Secretariat of Intelligence, the aforementioned cell phone belonged to an individual by the name of Andre Marques (p. 2.177, 2.183 and 2.552 of file 201 and p. 1.026 (reverse) of file 406).

However, when we asked Telecom Brasil for the name of the subscriber for this phone number, the company told us that they did not have this information inasmuch as, "for reasons of volume and availability," Telecom Brasil does not retain "updated archives for more than five years" (p. 544 (reverse)/545 of file 406). Moreover, according to information provided by the *Departamento Unidad de Investigación Antiterrorista de la Policía Federal Argentina* [Antiterrorist investigation unit of the Argentine federal police] (which had previously consulted with Agencia Brasileña de Inteligencia (ABIN) on this matter) the phone line in question was of the prepaid type (p. 676 of file 406).

The importance of these communications with this cell phone lies in the fact that the only calls placed from Argentina to the number 975-1161 were realized between 1 and 18 July 1994 from pay phones in Buenos Aires and at Ezeiza airport (p. 19 of file 406, diskettes T9407 and DUIA, and UFICD0001). No other calls were registered from Argentina to the aforementioned number either before 1 July or after 18 July 2004. These circumstances, combined with the fact that the cell phone in question was purchased in Foz de Iguazu, adds up to an ideal basis for the hypothesis we have advanced here.

The first two calls were placed at 10.53 a.m. and 12.18 p.m. on 1 July from pay phones at the Ezeiza airport in Buenos Aires, and the final call was placed on 18 July from a pay phone at the Jorge Newberry airport, at 7.41 a.m., which was two hours before the bomb exploded at AMIA.

The fact that these calls were placed from the aforementioned airports makes it reasonable to assume that the head of the group was notifying the coordinator of the operation of the arrival and departure of at least some members of the coordinator's group.

The fact that all of the calls to the cell phone registered under the name Andre Marques were placed from locations that were in close proximity to AMIA supports the allegations of responsibility that we posit in the present report.

The aforementioned calls from Argentina to the phone number 975 1161 in Foz de Iguazu were placed from various pay phones, the majority of which were near AMIA ((Larrea 590, Corrientes 707, Paraguay 2999, Pueyrredón 1270, Pasteur 731, Santa Fe 1841, and Nazca 1744; p. 266/266 (reverse) of file 406). This documented proximity to the attack target makes it reasonable to infer that the calls were related to target monitoring and operational coordination activities. Likewise noteworthy is that the calling party took the precaution of using pay phones, thus ensuring anonymity (in case the calls were detected) and making it difficult to connect the calls with the attack.

Our initial conclusions, as we have outlined them above, are substantiated by an analysis of a previous series of communications using the cell phone that was registered under the name of Andres Marques, which suggests that the subscriber belonged to a group that was linked to Hezbollah. We shall now describe this analysis.

The tables elaborated by the Secretariat of Intelligence show that calls were made on 19 June 1994 at 2.42 and 2.43 p.m. from the number (5545) 573-3429 belonging to the Iman Al Khomeini mosque in Foz de Iguazu (p. 2.183 and 2.953 (and reverse) of file 201). Following is a telling example of the relationship we have outlined here. On dates close to the attack, namely 15 and 23 July 1994, calls were placed from another phone that was operated in the Husseinia mosque of Foz de Iguazu (whose number was (5545) 5721880) to a number in Beirut that was attributed to the

Hezbollah spiritual leader sheik Mohammed Hussein Fadlallah. These were the only previous three previous calls that were placed on 15 February 1994 and two calls on 1 June 1994[73] (p. 2.100, 2.009, 2.015/2016 of file 201).

By the same token, calls were placed to the cell phone registered under the name of Marques from the number (5545) 574-1877 (which belonged to the Agencia Piloto tourist and currency exchange agency owned by Farouk Abdul Omairi (whose background will be discussed below)) on 6 June at 9.59 a.m. (p. 2.546 of file 201), and on 4 July at 3.30 p.m. (p. 2.552 of file 201), both in 1994.

An analysis of this series of phone calls suggests that prior to 1 July 1994, the cell phone that was registered under the name of Andre Marques was called from phones that were linked to persons suspected of belonging to the Hezbollah group that was based in Foz, Brazil.

At the same time, the facts surrounding the previous and subsequent calls from phones in Buenos Aires to the Andre Marques cell phone lead to the same conclusion, i.e. that the calling party was a Hezbollah operative.

The calls placed on 2 July from the pay phone located at Corrientes 707 (phone number: 321-0023) provide a clear example of this Hezbollah relationship.

At 7.28 a.m. an initial call was placed to the Marques phone number (975-1161), followed by a series of calls to the phone number (595) 6164040, which was attributed to Naja Mohammed Hassan El Hadi, who is suspected by the Secretariat of Intelligence of having had close ties with

[73] Translator's note: *sic* in the Spanish; the sentence is unclear.

Hezbollah (p. 2.078 and 2.407 of file 201). Furthermore, at 7.34 a.m. a call was placed to a number that was recorded as (595) 68171 but was actually (595) 6168171, which was likewise attributed to El Hadi by the Secretariat of Intelligence (p. 2.041 of file 201).

By the same token, at 9.28 a.m. on 8 July 1994, a call was placed to the Marques cell phone from a pay phone (number: 321 0014) located at Av. Corrientes 707, followed by successive calls to phones that have been linked to Hezbollah by the Secretariat of Intelligence.

On this occasion, 24 calls were placed (although in several cases the same call was registered in the phone records multiple times) to the phone numbers (961) 1603477, (961) 1603478, (961) 1603479, (961) 1825872 and (961) 1825227, which are described in the *Informe Internacional* realized by the Secretariat of Intelligence as “Beirut communciation centers (...) used by Hezbollah elements in Latin America to communicate with Lebanese organization..." (diskette T9407 and p. 145 in *Informe Internacional*). The occurrence of a similar event on 3 July 1994 has also been verified, in this case calls from the pay phone located at Av. Santa Fe 1841 (phone number: 814-1740), two calls to the phone numbers (961) 1603477 and (961) 1603478 and, and 11 minutes later one call to the Marques cell phone.

A significant related fact in this regard is that when, on 8 July 1994, these calls were placed to subscribers that have been identified by the Secretariat of Intelligence as Hezbollah communication centers in Lebanon, the Third Secretary of the Iranian embassy in Buenos Aires departed for Iran for good, despite the fact that in May 1994 he had booked a return ticket for October of that year.

The interconnection between the operational group that arrived in Argentina on 1 July 1994 and the logistics of the AMIA attack are also confirmed by an analysis of the calls placed from the pay phone at calle Nazca 1744 on 15 July 1994, i.e. the date when the van used as a car bomb was parked at the Jet Parking parking lot.

From said pay phone (number: 5828305), a call was placed to the Marques cell phone at 7.18 p.m.; a second call was placed at 7.24 p.m. to the phone number (55) 45-573-3878, which was the Hotel Arco Iris in Foz de Iguazu (whose passenger list is in the process of being identified[74]); and then another call was placed to the Marques cell phone at 7.38 p.m.

The relevance of these calls lies in the fact that the pay phone in question was located only about ten meters from the At-Tauhid mosque, from which Rabbani made a call from his cell phone at 6.22 p.m. to report that the Renault Trafic van had been parked successfully.

This sequence of calls suggests that the information relayed by Rabbani to the mosque was transmitted 55 minutes later to the owner of the Andre Marques cell phone by an as yet unidentified individual, who then left the At-Tauhid mosque and went to the pay phone on calle Nazca.

Also relevant in this regard are calls placed to a New York City number (1-212-4445975) whose subscriber name has yet to be determined, and which exhibit the same pattern as the calls to the Marques cell phone (diskettes 9402/3/7/8 and UFICD0001). We will now describe this pattern.

Calls were made to this number between 1 and 17 July 1994 only.

[74] Translator's note: *sic* in the Spanish, makes no sense. Perhaps this is an editorial error and "list of calls" or "guest list" was meant.

On 1 July a call was placed to the New York City number from the calle Corrientes 707 pay phone (phone number: 321-0014), followed two minutes later by a call to the Marques cell phone. On 12 July a call was again placed to the New York City number, this time from the pay phone at Larrea 590 (phone number: 963-4913), followed seven minutes later by a call to the Marques cell phone. And finally, on 17 July a call was placed to the New York City number from the pay phone at Pueyrredón 1270 (phone number: 963-4910), followed 15 minutes later by a call to the Marques cell phone.

These calls merit particular attention. An analysis of these calls reveals a clear connection between the following parties: the owner of the Marques cell phone; the party that called the Marques phone from Argentina; the party that received the aforementioned calls to New York; and Hezbollah. We shall now explain why this is so.

A call was placed from the pay phone located at Corrientes 707 (phone number: 321-0014; but this time the call was placed from 321-0023[75]) to the phone number 55-4557544649 which was attributed to Khodor Ali Barakat, who the Secretariat of Intelligence has indicated had ties to Hezbollah operatives. Nine minutes later, a call was placed from this same phone to the number (961) 1603477, which has been identified as a Hezbollah communication center in Beirut. Two minutes later a call was placed to the number (961) 1836194, which the Secretariat of Intelligence has attributed to Assaad Ahmad

Barakat, a Hezbollah militant and, as we have seen, one of the most prominent Hezbollah leaders in the Triple Border area. 20 minutes later, a call was placed to the New York number 12-

[75] Translator's note: *sic* in the Spanish, which doesn't explain how one pay phone could have two phone numbers.

124445975, and three minutes after that a call was placed to the number attributed to Assaad Ahmad Barakat (UFICD0001, diskette T9407 and p. 145/146 in *Informe Internacional*).

This series of calls clearly shows that the individual that was using the New York phone was the same individual that contacted the owner of the Andre Marques cell phone as well as the phone numbers that have been attributed to Hezbollah. This suggests that all of these calls were placed for purposes of coordinating the AMIA attack.

The foregoing clearly shows the existence of relationships between persons residing in the Triple Border area, the operational group that carried out the AMIA attack, the persons in charge of local logistics for the attack, and Hezbollah – all of which supports our contention that Hezbollah carried out the final phase of the AMIA attack.

h) Ibrahim Hussein Berro.

In our view, the evidence in the case proves beyond the shadow of a doubt that the suicide driver in the AMIA attack was Ibrahim Berro (phonetic variants: Brru, Burra Birru), who was born in Beirut on 20 May 1973 in Beirut, was an active member of Hezbollah, and was the son of Hussein Mohamed Berro and Latifa Daher Berro.

The foregoing is confirmed by numerous pieces of evidence in the case.

The initial concrete and relevant information in the case concerning Berro is derived from a 9 October 2001 meeting in Montevideo, Uruguay between representatives of the Secretariat of Intelligence, the FBI and a source whose identity is secret.

However, as early as 1995 the Secretariat of Intelligence had obtained information indicating the identity of the suicide bomber. This information was provided by the testimony of engineer Antonio Stiuso[76] before the *Tribunal Oral en lo Criminal Federal no. 3*. Stiuso stated that in that same year he had gotten to know a person by the name of Asaad who resided in the Triple Border area and who might have been involved in the AMIA attack. Consequently, the intelligence organization decided to "put someone on him" with a view to establishing contact, whereby this person turned out to be a friend of his.[77] Stiuso also stated that other information obtained at the time indicated that the name of the suicide bomber in the AMIA attack was Yijad Bru, one of whose brothers had carried out a suicide bombing in 1989.

Stiuso also stated that in 1999 he obtained new information indicating that Yijad Bru had traveled from Lebanon to the Triple Border area in the company of a person by the name of Saad, and that Bru had then crossed over into Argentina in the company of a person by the name of Tormos. Stiuso stated that the aforementioned persons had been involved in the various stages of the AMIA attack, that he had been told this by a "collateral unit"[78] in 1995, and that Bru's actual name was "Husein, Ibrain Husein, and he had many siblings". Stiuso also indicated that all of this could be confirmed in 2002 on the basis of Lebanese sources (side "A" of cassette 3 of recordings of the court session).

[76] Translator's note: An official in the Secretariat of State Intelligence. This is not stated here, but it is indicated at the beginning of page 701.
[77] Translator's note: *sic* in the Spanish. The relevance of this sentence and the previous one to the matter at hand is not explained in the Spanish text and is unclear. However, see the next paragraph and note.
[78] Translator's note: The meaning of this is unclear (and unexplained) here, but it is more or less clarified in the last paragraph on page 699.

We shall now return to the minutes of the meeting that was held in Montevideo. In this document, a Lebanese national and former Hezbollah militant states that a person who lived near his home (identified by the witness as Abu Mohammed Yassin, age 30-35, and a native of Nabattie) told him that the suicide bomber in the AMIA attack was Brru, who also had a "brother named Assad Brru, who was a sheik and who carried out a suicide attack in southern Lebanon in 1989".

The witness stated that he joined Hezbollah at the age of 17, and that he had "very close ties with Seied Ibrahim El Amin, and Seied Hassan Nasrallah".

The witness also stated as follows: "My mission was to accompany them as a helper, to be trustworthy in secret meetings and political events or other activities that Nasrallah and Ibrahim El Amin participated in. Sometimes I was their driver.

I performed these tasks not only for the aforementioned persons but for all persons that realized relevant political tasks."

The witness further stated that in his opinion, his informant "could have been a present or former member of Hezbollah, given the zeal he expressed for Hezbollah's methods," and that it seemed to him that "Yassin was an important figure since he indicated that he had a certain amount of 'power' or competency in connection with the various subjects we talked about. I would also describe him as a pretty unusual person inasmuch as he led a very clandestine life, which is typical of prominent members of Hezbollah."

Concerning the identity of the suicide bomber in the AMIA attack, the witness stated that "in one of our conversations, Yassin talked about various military operations (...) This subject prompted

him to make a comment on a terrorist operation that Hezbollah had realized, to the effect that Brru was the suicide bomber in the AMIA attack."

The witness then stated as follows: "During the conversation, I said to Yassin that this person by the name of Brru had blown himself up in the operation in southern Lebanon, but Yassin said that this was untrue, and that Brru had blown himself up in the 1994 attack in Argentina (...) Yassin talked about the various types of psychological manipulation that Hezbollah tended to carry out (...) It was at this moment that Yassin told me that Brru had died in the Argentina operation and not in an operation for which Hezbollah formally claimed responsibility."

The witness added that on other occasions Hezbollah had realized "operations involving social communication or psychological actions", through which the organization announced the death of militants, as if this had occurred in Lebanon, when it had actually happened in Kosovo.

The witness also stated that the suicide attack that led to the death of Assad Brru (brother of the suicide bomber in the AMIA attack) was a car bombing of a convoy of Israeli vehicles that were transporting military equipment.

According to the witness, Yassin indicated that the persons who carried out the AMIA bombing traveled using false European passports.

Concerning the reliability that was attributed to the aforementioned account at the time it was provided, a Secretariat of Intelligence report (p. 9/13 of file 387) indicates that the following elements concerning said account could be confirmed: the fact that the source had ties to Hezbollah and Amal; and that the witness knew Yassin and lived near him.

The veracity of the witness's testimony is also confirmed by various pieces of evidence in the case.

Concerning the suicide bomber's nationality, in his testimony before the *Tribunal Oral en lo Criminal Federal no. 3*, Abolghasem Mesbahi testified that the suicide bomber was a Lebanese national (p. 4.105/4.137 of file 204).

Kenneth Timmerman also confirmed this when he stated that "Iranian government intelligence officials do not commit suicide, but the Iranian intelligence service uses suicide bombers;" and that "it is possible that the Iranians used a Lebanese" in the AMIA attack (p. 76/80 of file 352).

The makeup of the Brru or Berro family and the relationship between Assad and Ibrahim are corroborated by official information in the case, provided by the prosecutor of the Lebanese court of appeals, represented by the first judge in the investigation in Yabal Lebnan, Josef Qazi (p. 114.976/114.993).

Said information indicates that the Berro family consisted of the parents, Husein Mohammed Berro and Latifa Daher Berro and their children Assad Berro, born 26/2/1965 died 3/8/1989 "in a resistance operation against the Israeli occupation of the village of Qlaia"; Mohammed Berro, born 20/3/1977, died 18/12/1995 "in an incident in one of the organizations, according to a response from the office of documentation (...) in unclear circumstances involving a hunting rifle"; Ibrahim Berro, born 20/5/1973, died 8/9/1994; Ali Berro, born 5/3/1962; Hassan Berro, born 18/6/1963; Abdel Llah Berro, born 20/1/1967; Ahmad Berro, born 18/5/1975; and Abbas Berro, born 20/3/1978.

Additional information in this regard was provided by two members of the aforementioned family, Hassan and Abbas Berro, in their testimony in Detroit, Michigan in September 2005 before notary public Glenn G. Miller, at which time the two witnesses were interrogated by Barbara McQuade, attorney general in the counterterrorism unit of the office of the attorney general of the state of Michigan. Ms. McQuade was acting in accordance with the treaty on mutual judicial assistance between Argentina and the United States, which was signed on 4 December 1990 (law 24.034).

In his testimony, Abbas Hussein Berro stated that he was born on 28 March 1978 in Oazi in southern Lebanon, and stated the following with respect to his siblings: "Ali Berro is the oldest sibling, followed by Hassan Berro, the brother I live with here in the U.S.; then comes Assad Berro, Abdal, my sister Hiam, then Mohammed and then Ibrahim. After Ibrahim comes Ahmad, me, and my younger sister Hala." Hassan Hussein Berro testified that he was born on 18 June 1963 in Beirut, Lebanon, and that he is the son of Hussein Mohamed Berro and Latifa Berro. Among the siblings he mentioned were Ibrahim, Assad and Mohamed (translations at p. 120.036/120.093 and 120.154/120.238).

Returning to the subject of the meeting that was held in Montevideo, it should be noted that the then (and current) representative of the FBI in Buenos Aires stated that the source that had testified appeared to be "a serious person, and despite the fact that he was speaking for third parties, appeared to be sure of what he was saying" (p. 15 of file 387).

It should also be noted that the individual who provided the initial information concerning Berro was not an ordinary citizen, but rather a Hezbollah militant or ex-militant who had dealings with

the organization's highest leaders, a circumstance that renders his testimony all the more significant. This applies in particular to his evaluation of the tenor of Yassin's remarks and the witness's suspicions that Yassin might be a member of Hezbollah, in view of the fact that the source based his conclusions on his detailed knowledge of the organization's actions and thinking.

Relevant in this regard as well is the statement by the Secretariat of Intelligence to the effect that Abu Mohammed Yassin "was an important member of Hezbollah in Hay Sellom" (p. 32/34 and 36 of file 387).

Another Secretariat of Intelligence report attributes the name Abu Mohammed Yassin to an individual who was also known as Ali Ahmad Hijazi, and who was born on 18 April 1964 in Kabrikha, Lebanon. He is thought to have been a member of Hezbollah and of the Hijazi clan, which resided in the Triple Border area (p. 1.001 of file 201). The Secretariat of Intelligence also uncovered a connection between Yassin/Hijazi and Farouk Omairi, who was known to be Hezbollah representative in the Triple Border area and a manager of Agencia Piloto, which was located in Foz de Iguazu (p. 171/192 (reverse) of file 201).

As previously stated, it has been established that in 1994 phone calls were made from phone numbers at the aforementioned business ((574-1877 and 574-1586) to the phone numbers 68-254 and 64-058, which belonged to Hijazi at the time. This has been corroborated by information from Brazilian judicial authorities (p. 2.098, 2.164, 2.354, 2.381, 2.385, 2.390, 2.424 and 2.537 of file 201).

In this regard, the initial indications that Ibrahim Berro was involved in the AMIA attack are fleshed out by a report from a "collateral unit" of the Secretariat of Intelligence, which determined that Berro traveled from Lebanon to the Triple Border area several days prior to the date that had

been selected for the AMIA attack. Berro made this trip in the company of a Paraguayan resident by the name of Saad. Berro stayed at the home of the brothers Fuad Ismael and Abdallah Ismael Tormos, who had arrived in the Triple Border area in 1992 and are thought to have been members of Hezbollah (p. 72 of the Annex "Atentado" in *Informe Internacional*).

An extract from a statement by a source from the Secretariat of Intelligence indicates that Saad was the head of an Amal group in the Triple Border area, and that this group may have coincided with Hezbollah (owing to certain values shared by the two groups), although it is not known whose members of Hezbollah Saad had ties to. The source also stated that, the foregoing notwithstanding, Saad was the military coordinator for the terrorist Amal group in the Triple Border area (p. 86/88 of file 387). The source indicated as well that Saad was in the city of Maraka, Lebanon and that he returned to Brazil in 1997 (p. 86/88 of file 387).

The aforementioned source also stated that Saad had contact with a member of the police at Tancredo Neves bridge. This person, whom the source described as being “fat with short hair” allowed individuals of Saad’s choosing to cross the border into Argentina in exchange for gifts and money. In this regard, the source noted that a Lebanese national residing in the Triple Border area and who the source described as being a Hezbollah sympathizer by the name of Hamze Ali Hachem, successfully crossed into Puerto Iguazú using the same method (p. 3/29 of the Annex "Declaraciones" in *Informe Internacional*).

The source also indicated that a political leader of Amal identified as Ahmad Ali Haitham Saad was in the Triple Border area between 1995 and 1996, and that he was presumed to be an explosives expert (p. 39/40 of file 387).

In this regard, Antonio Stiuso, an engineer and official of the Secretariat of Intelligence, testified that the individual named Saad who accompanied Berro is the same person referred to above.

Likewise relevant in respect to Saad is information from the Israeli Ministry of Justice to the effect that Ahmed Ali Haitam Saad is a Lebanese Shiite who was born in Ma'araka in 1965, and who, according to information gathered in the latter half of the 1990s, was a political activist in the Amal organization in Foz de Iguazu, and had ties to Hezbollah activities in that city (p. 109.603/109.606).

The ease with which the Triple Border area's frontiers could be traversed is far from being a trivial factor. During the investigation, it clearly emerged that the perpetrators of the AMIA attack did not enter Argentina using their original passports, which means that they could have entered the country in one of two ways: (a) using a false or altered passport; or (b) by evading immigration officials entirely.

Consequently, the fact that Saad originally accompanied Berro across the border, combined with the fact that it was relatively easy to cross the borders in question without a passport check, provides an indication as to how Berro may have entered Argentina.

Witness A indicated that, for security reasons, Berro left Lebanon accompanied by one person only, and later hooked up with individuals who were familiar with the area to which he was being sent. The witness stated that the person accompanying Berro took him to Ciudad del Este in Paraguay, and from there took him to his final destination so as to ensure that Berro would be able to carry out his mission and so that Berro's companion could then report on this phase of the operation (p. 71/85 of file 313).

Another Secretariat of Intelligence source provided further details in this regard, to the effect that "two or three elements left Lebanon – via Europe – for the Triple Border area carrying European passports and ID documents, not Lebanese documents. One of these individuals was Hijad Hussein Brru", brother of sheik Assad Hussein Berro, who committed suicide in an operation against Israel (p. 77 of the Annex "Atentado" in *Informe Internacional*).

Abolghasem Mesbahi testified that the members of the operational group for the AMIA attack carried Greek passports when they traveled (p. 3.448/3.461 (reverse) of file 204).

Hence the statements by the latter two witnesses are consistent with the statements made during the Montevideo meeting to the effect that Berro's group had used "false European passports" for their trips.

Likewise relevant in this regard are the insights obtained from an analysis of the tables compiled by the Secretariat of Intelligence on the basis of information from Brazilian judicial authorities (p. 2.098/2.124,2.161/2.201 and 1.453 of file 201).

These tables show that six and three days prior to the AMIA attack (on 12 and 21 July 1994), the following three calls were placed to the Lebanese phone number 961-183-9082 from two phone lines installed in the Husseinia mosque located on calle José María Brito 929/931 in Foz de Iguaz (The phone numbers were 5545-572-1880, attributed to Farouk Omairi (p. 2.098/2.124) and 5545-573-3429, attributed to Hassan Mohammed Abbas (p. 2.161/2.201)).

The call placed from the first of the two aforementioned phone numbers occurred at 10.45 a.m. on 12 July as 10.45 and lasted 11.36 minutes (p. 2.186 of file 201), whereas the remaining calls were placed from the other line at 4.16 and 4.50 p.m. on 21 July and lasted 6.48 and 15.36 minutes respectively (p. 2.115).

Moreover, inasmuch as the aforementioned tables cover the period from 2 January-21 December 1994 for 5545-572-1880, and 1 January-21 December 1994 for 5545-573-3429, there can be no doubt that these were the only three calls that were placed to 961-183-9082 in 1994.

Against this backdrop, and in the interest of obtaining information concerning the subscriber to the latter line, on 22 September 2005 we submitted a request for said information, via a rogatory letter, to Lebanese judicial authorities and through the Interpol office in Beirut. In response to this request, Lebanese police authorities indicated that throughout 1994 (and until 2001) the subscriber to the aforementioned phone number was Ahmad Ali Berro (born in 1945), and that the installation location for this number was Haret Hreik, Bir El Abd, Lebanon (p. 6.716/6.720 of file 201).

As a result of this response, this year[79] we submitted a new request for information to Interpol Beirut with a view to obtaining complete personal and family information concerning Berro. This request was pending as at the date of submission of the present report (p. 6.724 (reverse) of file 201).

[79] Translator's note: i.e. in 2006

Hence, despite the lack of certainty concerning the scope of the parallels between Ahmad Ali Berro and Ibrahim Berro, what has been stated above constitutes a telling and noteworthy circumstance.

Concerning the locations where Ibrahim Berro might have lodged, a collateral unit indicated that Fuad Ismael Tormos is a Hezbollah official who in 1992 emigrated from Borj-El Barajne (near Beirut) to Paraguay, and that his brother, Abdallah Ismael Tormos, did likewise in the following year. The collateral unit also stated that both brothers were residing in Beirut in 1997, and that Fuad was managing the business affairs of Assaad Ahmad Barakat, who owned apartment buildings in Beirut, and sometimes acted as a liaison between Barakat and Hezbollah in Lebanon (p. 84 of the Annex "Atentado" in *Informe Internacional*).

In this regard, Reyad Jafar Mohamed Ali testified before the *Fiscalía Federal nro. 2 de Salta* that members of Hezbollah in the Triple Border area were very actively involved in the AMIA attack in that they provided lodging, money, documentation, information and key data for realization of the operation, "...and (...) they definitely took care of everything that was logistics related." The aforementioned witness also stated that he knew that the Barakat brothers had come to Argentina to carry out the activities that were necessary for the attack, and that the brothers entered Argentina "carrying false documents, by plane, or simply crossed the border via a chauffeured vehicle without encountering any major problems" (p. 3.151/3.152 (reverse) of file 201).

According to the witness, "...by order of the Hezbollah leader Hassan Nasrallah (although I don't know how the order was given) Abbas Hijazi and Al Haj Farouk were supposed to provide the Barakat brothers (whose first names I don't know) with everything they needed in order to realize" the attack. The witness then said that the aforementioned individuals provided the Barakat brothers

with authentic looking "passports and identity cards", but indicated that he did not know if the documents bore the Barakats' real names or those of a third party. They also gave them "money – though I don't know which currency it was or the amount – plus regional maps, maps of Buenos Aires, and information concerning the persons they were to contact in Buenos Aires to carry out the operation. I know that they hooked up with someone that worked in the Iranian embassy in Buenos Aires by the name of Gholam Ali, although I'm not sure totally sure if that was his name..." (p. 3.140/3.145 of file 201).

According to the witness, this information had been sent in May and July 2000 from Foz de Iguazu by the very persons that were involved, whom he identified as members of Hezbollah. He said that he had made contact with them through Hussein Ali Fahs, whom he had gotten to know while they were both in custody in German prisons in Breungesheim and Butzbach. This latter fact was confirmed by the Secretariat of Intelligence (p. 4.308 of file 201).

A key fact in this regard is that the aforementioned Al Haj Farouk was none other than Farouk Omairi. This is substantiated by the phone number that the witness indicated for Farouk, which was 574-1877 and which is also the number the witness mentioned in describing the contacts with Ali Ahmad Hijazi (p. 3.120 of file 201).

Hence, it emerges that Barakat, Tormos and Omairi constitute a link between the various pieces of information that have been presented thus far, although it was not possible to verify whether Barakat, who was mentioned by the witness, is the same individual that the aforementioned source cited.

In addition, this latter account is congruent with that concerning the Tormos brothers and Saad with respect to complementary activities.

Concerning the foregoing, on being asked about whether a monitoring mechanism must have existed if a suicide bombing was realized in Argentina,, Abolghasem Mesbahi testified that "the suicide bomber doesn't travel alone, but is instead is always accompanied by four or five persons." This statement supports the hypothesis that various traveling companions were involved (p. 397/405 of file 204).

Hence, it is clear that, although at present the identities of the individuals who accompanied Berro are unknown, the testimony provides information concerning the various segments of the operation, and thus the investigation of this aspect of the case should be pursued inasmuch as the various pieces of evidence that have been cited dovetail to a sufficient degree to accept as established that one or more persons left Lebanon for the Triple Border area in the company of the AMIA suicide bomber passed through Europe on their way there; entered Ciudad del Este using false European passports; and after a stay in this area, during which time they received new logistics support for purposes of carrying out their mission, left for their final destination, which was Buenos Aires.

Above and beyond the foregoing, the certainty concerning the operation in which Assad Berro was killed has been corroborated by other information.

The first source is constituted by reports that were compiled by the Secretariat of Intelligence, composed of eight Annexes containing translations of articles from Lebanese newspapers, as well as photographs, drawings and explanatory tables (p. 32/34 and 36 of file 387).

These reports indicate that, in accordance with the information obtained from public and confidential sources, sheik Assad Hussein Brru (phonetic variants Asad Hussein Berro and As'ad Hussayn Birru or Burru) died on 9 August 1989 in a suicide attack on an Israeli military convoy at the entrance to the village of Kleia (Kalia), in the Marjeyoun district in southern Lebanon. The attack was carried out in the zone controlled by the Army of Southern Lebanon, which was a militia that controlled the "security zone" adjacent to the southern Lebanese border. Berro was driving a vehicle loaded with TNT, which exploded in the path of a convoy comprising two tanks and six jeeps.

A group calling itself Islamic Resistance (Almukawama) claimed responsibility for the attack, which was christened an "operation of loyalty to the line of Ayatollah Khomeini and his successor Ayatollah Khamenei".

The report also states that "...the members of the Berro family were regarded as fanatics and had close political ties to Hezbollah. According to intelligence information, Mr. and Mrs. Berro began working for Fatah (the Palestinian political party that is part of the PLO and is led by Yasser Arafat) from 1965 to 1976 at the Tell Zaatar Palestinian refugee camp in Beirut, and from that point on worked for the Palestinian cause in Baalbek, Bourj El Barajneh and southern Lebanon".

This main report is accompanied by annexes that support the statements made by the report.

Annex 1 comprises a copy of the 10 August 1989 edition of the newspaper *L'Orient - Le Jour*, whose translation states the following: “A paramilitary wing of Hezbollah known as Islamic Resistance has stated in a communiqué from Beirut that it ‘killed and injured Israeli soldiers’ when one of its members, sheik Assad Berro, committed suicide at the wheel of a truck loaded with TNT, which exploded when it hit a convoy of Israeli tanks at the entrance to Kleia in the ‘security zone’ that was established by Israel in Lebanon."

Annex 2 comprises a copy of the 10 August 1989 edition of the Beirut newspaper *Al-Anwar*, which contains the following statement: “Two men who were driving a truck containing explosives struck an Israeli convoy, causing an explosion that killed five persons, in an act of suicide that was subsequently attributed to Hezbollah (...) Meanwhile, Hezbollah announced in Beirut that one of its members, 25 year old Assad Hussein Brru, carried out a suicide attack".

The last of the annexes (no. 3) contains the translation of an article from the newspaper *Al Ahed* entitled “The companion of sheik Assad Berro in the final moments before his suicide recounts all the details of the operation.”

The Secretariat of Intelligence described this newspaper as being closely linked to Hezbollah.

Berro’s companion was Ali Hijazi (a native of Debbin, born in 1961, arrested by the Army of Southern Lebanon, and imprisoned in Khiam for ten years), who stated in the article that before joining terrorist militias, he worked for benefit societies in Beirut.

Hijazi explained how he was selected to participate in the attack: "....A leader of Mukauama called me and asked if we could meet. During this meeting, he introduced me to a guy who he said was going to carry out a suicide attack (...) and asked me to accompany this guy until the final moment."

Concerning his role in the realization of the attack, Hijazi states that "my role was limited owing to the fact that I wasn't very familiar with the area or its streets, and so I wasn't involved, nor did I have anything to do with the preparations for the operation, by which I mean preparing the explosives in the vehicle and everything having to do with the target and so on."

The designated target was "nothing less than high security military vehicles that were full of Israeli soldiers." When sheik Assad spotted the convoy, "he accelerated until he'd passed the target and then rammed into the first high security Zionist vehicle, which of course set off a huge explosion since the GMC pickup Assad was driving was full of explosives."

It should be noted that the person referred to here as Ali Hijazi is not the person known as Yassin from the Montevideo meeting.

Against this backdrop, the relevance of Hijazi's testimony lies in the fact that it confirms once again that Berro was the suicide bomber in the attack. It also shows that the individual who accompanies the suicide bomber until moments before he carries out the attack does not necessarily have to be a significant figure in the organization; and that this person can be someone of minor stature does not even have to be familiar with the area where he is going to be operating; and that his main function, as was pointed out by Witness A (p. 71/85 of file 313), is to ensure that the mission is brought to completion and to report on the mission afterwards.

It is also significant that the Israeli Minister of Justice reported on the circumstances that led to the death of sheik Assad Hussein Berro (p. 109.603/109.606), stating as follows: "At 9.40 a.m. on 8 August 1989, a car bomb (red GMC pickup truck) exploded in the northern part of the city of Qlei'a as an Israeli military convoy was on its way to the village of Kile-Tel Nahs (...) 5. Hezbollah claimed responsibility for the attack and in so doing indicated that the driver of the vehicle was sheik Assad Bero (...) 7. Concerning Ali Hijazi, and following a meticulous search, it has been established that a person by the name of Ali Ibrahim Ali Hijazi (a native of Debin) was seen passing through the military checkpoint at Markaba one day prior to the attack in a vehicle that has been identified as the car bomb. This individual has been detained for interrogation."

The suicide bomber's brothers also confirm the relevant facts. They did this for the first time on the occasion of a meeting that was held with personnel from the FBI and the Secretariat of Intelligence on 26 April 2005 (p. 119.257/119.263), at which time they confirmed that their brother Assad, a sheik and member of Hezbollah, died on 3 August 1989 in a suicide attack on Israeli troops in southern Lebanon, and that his body was not recovered owing to the circumstances surrounding the attack.

Following this, Hassan Berro testified that his brother Assad died in a suicide attack on the Israeli army in southern Lebanon; that his brother had ties to Hezbollah; and that this fact was known to all concerned. As for Abbas Berro he confirmed what his brother Hassan had said, adding that Assad had usually participated in Hezbollah military operations in southern Lebanon. In describing how his brother's death had come to pass, Abbas Berro stated that he believed it had occurred during a mission and stated the following in this regard: "I know that it was a type of suicide and

that the city or village (...) where my brother Assad died is called Marjayoun." Abbas Berro also confirmed that his brother held the rank of sheik (p. 120.036/120.093 and 120.154/120.238).

Witness A testified as follows: "The individual that carries out the attack generally doesn't do it for money. It's usually someone who's lost family members in the war with Israel" (p. 56/70 of file 313). As we have seen, this statement is borne out by the present case.

Hence, the evidence concerning Berro that has been cited up to this point – evidence that is derived from primary intelligence sources concerning Berro's participation in the attack – shows that various passages of testimony have been confirmed, thus creating a harmonious panorama from various standpoints that adds up to a logical and plausible account of this aspect of the case.

The individual who provided the first account of the events that occurred and that have been investigated indicated that he is a former member of Hezbollah. The individual who made this assertion (Hijaci or Yassin) has been shown to be a former member of Hezbollah, which means that the information he provided is based on his own experience, is backed up by his influence within the framework or representation of a group in the Triple Border area, and is not derived from hearsay – a fact which can also be deduced from the evidence in the case.

It also been established that Ibrahim Berro and sheik Assad Berro were brothers and that the former died in a suicide terrorist attack prior to that carried out by his brother.

This initial presentation of the evidence is rounded out by the testimony that was analyzed elsewhere in the present report and whose naturalness also strengthens the contentions set forth here.

Having said this, we shall now examine, one by one, the following pieces of evidence that we have gathered that corroborate the hypothesis that we have advanced here: (1) The minutes of the meeting held on 26 April 2005 that was attended by personnel from the Secretariat of Intelligence and the FBI, as well as the brothers Hassan and Abbas Hussein (p. 119.257/119.263); (2) The expert's reports realized by the *División Individualización Criminal* of the *Policía Federal Argentina* [Forensic identification division of the Argentine federal police] concerning the photographs and identikit of Ibrahim Berro (p. 119.326/119.342); (3) The positive photo-based identification by the witness María Nicolasa Romero (p. 119.321/119.324); and (4) Testimony by the following individuals: attache Agustine Rodríguez from the U.S. embassy in Argentina (p. 119.302/119.305); FBI agent Mark R. Green (p. 120.106/120.115); and the brothers Hassan and Abbas Berro (p. 120.036/120.093 and 120.154/120.238).

All of this evidence furnishes detailed information concerning the facts of the case, and in conjunction with the elements that have been examined in the present report, provides a complete picture of the circumstances surrounding the AMIA attack.

The fact that the Berro brothers were in the U.S. was first reported by the Secretariat of Intelligence on 20 April 2005 (p. 119.256).

Also relevant in this regard are the minutes of the meeting that was held between personnel from the Secretariat of Intelligence and the FBI, with Hassan Hussein and Abbas Hussein Berro. The aforementioned document indicates that Hassan Berro was born on 18 June 1963 in Beirut, has been a U.S. citizen since 1991, and that he arrived in the U.S. on 11 August 1985. His brother

Abbas was born on 28 March 1978 in Oazi, Lebanon. He stated that he first came to the U.S. on 20 October 1996, and became a U.S. citizen in 2004 (p. 119.257/119.263).

The minutes of the meeting also indicate that the Berro brothers were asked to undergo a voluntary interrogation, which they agreed to do at their home in Detroit.

As has been stated, Hassan and Abbas Berro both confirmed that their brother Assad died on 3 August 1989 in a Hezbollah suicide attack on Israeli troops in southern Lebanon. Abbas recalled that the family first heard about Assad's death via an announcement that was made at the mosque. Hassan stated that following Assad's death, Assad's wife and children began receiving a monthly stipend from the mosque.

Concerning the circumstances surrounding the death of Ibrahim Berro, Abbas recalled that he was still living in Lebanon with his parents at the time of Ibrahim's death and that one morning in 1994 (he was unable to recall the month) a group of persons comprising the "elders" of the village, whom Hezbollah had notified of Ibrahim's death, came to the home of Abbas's parents to tell them that Ibrahim had died and to mitigate the impact of this news.

Abbas stated that Hassan made the trip from the U.S. to Lebanon to attend Ibrahim's funeral. Hassan recalled that Nasrallah attended the funeral and that Hezbollah had initially stated that Ibrahim had died in combat against Israeli troops in southern Lebanon, but that it had not been possible to recover his body.

Abbas stated that the family was surprised at the news, since they hadn't known that Ibrahim was a member of Hezbollah, even after what had happened to his brother Assad.

The Berro brothers indicated that Ibrahim worked as a car mechanic in a garage in the Al Oazi district and that in March or April 1994 he had gotten engaged to a young woman named Tabekh.

Abbas indicated that Ibrahim was often absent for lengthy periods of between two and three months, and that when the family received news of his death, he had not been home for quite some time. It emerged from the testimony that Ibrahim had been absent during a period that included the first few days of June and July 1994, a fact which will be discussed below.

Concerning the death of their other brother, Mohammed Hussein, Hassan and Abbas indicated that he died in December 1995 as the result of a hunting accident. They also indicated that Mohammed's funeral was sponsored by Hezbollah in commemoration of the two other deceased brothers that had been members of Hezbollah.

The brothers indicated that their parents received medical assistance from the Lebanese government and financial assistance from Hezbollah. They also said that their father died on 9 January 2005 and that Hassan Nasrallah had attended his funeral and gave a speech there.

Concerning Ali Hussein, Abbas Berro indicated that "in 1994 he was working as a registered nurse at Al Rassol Azem hospital, which is owned by Hezbollah."

Hassan noted that it was not until 2003 that he learned of the connection between Ibrahim's death and the AMIA attack. He obtained this information via a search of press media Web sites realized by his adolescent son.

Abbas indicated that his mother is extremely sad about the death of her son, and with the passing years has come to doubt the story that Ibrahim died in southern Lebanon.

The brothers signed an affidavit attesting to their statements on these and other subjects, without prejudice to any further details that might be provided.

Testimony by Agustine Rodríguez, an attache at the U.S. embassy in Argentina, confirmed that the aforementioned meeting had taken place, and indicated that on his arrival in the U.S. he met with FBI agents Mark Green and Brian Max in Detroit, and then went to the Berro brothers' home. He stated that the "objective was to present ourselves at said residence, and notify Hassan and Abbas Berro of our wish to interview them, and if they agreed and voluntarily accepted to do this, we intended to ask them where they would like the interview to be held, and to let them know that the offices of the FBI were available to them for this purpose; and they indicated that they preferred to do the interview in their home at this time." Concerning the minutes of the meeting, he stated that he validated them, and then went on to make some other remarks of interest.

First, when asked to indicate, in light of his experience, the significance that he would attribute to the presence of sheik Nasrallah at a religious funeral involving a death of this type, Rodríguez stated as follows: "It's a very important fact since he's the highest authority and spiritual leader of the organization, and his presence was meant to convey to the suicide's family recognition and support for the mission that their son had undertaken, and to show that the suicide was a member of the organization and that he was carrying out a mission in its name." Rodríguez then corroborated Abbas Berro's statement to the effect that the Berro family was surprised, and that up to that moment they had no idea that Ibrahim was a member of Hezbollah, and that they felt in this regard

– since Ibrahim wasn't a very educated person and only spoke Arabic – that Ibrahim was incapable of planning an operation such as the AMIA bombing, "which led the engineer Stiuso and the deponent to the conclusion that Ibrahim was the ideal person to carry out the suicide bombing."

Rodríguez indicated that he recalled hearing both brothers say that their brother Mohammed had died in a hunting accident in 1995, and that their mother and the other family members had confirmed this. He then stated as follows: "In the deponent's view and that of the engineer Stiuso, it appears unlikely this was the case since it is extremely unusual for Islamic wives to go on a hunting trip."

Rodríguez also stated as follows: "Toward the end of the interview and when he was talking about Ibrahim, the deponent asked his brother Abbas if he had photos. His brother responded that he had two photos of their brother Ibrahim, which were then shown to all persons who were at the meeting." Rodríguez further stated that the Detroit FBI agents took the photos with them to make copies of them, and promised to "return the originals to the Berro brothers, which they did." Rodríguez then said that the minutes of the meeting were signed by both brothers in his presence.

Concerning the impression that the interview made on him, Rodríguez stated that the meeting was a "voluntary interview that immediate family of the suicide bomber was invited to attend; the interview was realized with absolute freedom and as truthfully as the circumstances permitted." Rodríguez ascribed this to "cultural conditioning which, owing to what's drilled into them from the time they're kids, requires each person to admit openly that a family member has participated in serious acts such as those that are under investigation." Rodríguez also said that "they don't feel

that their brothers are completely responsible for what they did, since they're aware of the possible consequences of this .

Nevertheless, their testimony contains numerous elements suggesting that Ibrahim participated in the AMIA attack " (p. 119.302/119.305).

Another witness was FBI agent Mark R. Green, who validated the minutes of the interview that was conducted with the Berro brothers on 26 April 2005. In his testimony, Green reiterated the voluntary nature of the Berro brothers' interview; stated that he was present when the minutes of the interview were signed; and confirmed that the photographs of Ibrahim Berro were returned to his brothers.

When asked if he recalled – in accordance with the testimony by Abbas Berro – how long Ibrahim's absences tended to be, Green stated that "they tended to be two or three months."

Finally, when asked about the possibility that one or both of the brothers might have mentioned whether Hospital Rassol Azem had ties to Hezbollah, Green responded as follows: "They mentioned that Ali worked as a nurse at Hospital Rassol Azem in Beirut. I know from my experience working as a counterterrorism agent that this hospital is run by Hezbollah. (...) I mentioned this to Abbas and he confirmed it for me. He told me that this was a hospital that is run by Hezbollah" (p. 120.106/120.115).

Hassan Hussein and Abbas Hussein Berro testified on 15 and 16 September 2005 in Detroit (translations at p. 120.036/120.093 and 120.154/120.238).

It should be borne in mind that we participated in the testimony given by the Burro brothers with a view to finding answers to specific questions that arose during the investigation such as the following: When did Ibrahim Berro leave home? What happened to his body? What were the details concerning the presence of members of Hezbollah at the funerals of the two Berro brothers and their father? What was said during the speeches at the funeral? We also wanted to know which other factors might have prompted Ibrahim to join Hezbollah and subsequently become militant. These various elements will now be discussed in detail.

Various extremely valuable pieces of evidence emerge in connection with these elements and can be found in some elements of the testimony and evidence that have been cited above. These elements in turn contain certain revealing details concerning the matters under investigation.

One important dimension that should be borne in mind when assessing the value of such elements is that the Berro brothers were not enrolled in a witness protection program or the like in order to provide their account of the events in question, nor were the brothers coerced into the interview in any way. This indicates that their decision to be interviewed by the FBI was spontaneous, which the brothers themselves both indicated in any case.

In this regard, on being asked if they would grant their consent and voluntarily sign the minutes of the interview, both Abbas and Hassan assented.

Consequently – notwithstanding certain passages which, on being analyzed, reveal an effort to mitigate the rest of their statements – their testimony is important on its own merits, and also in light of the fact that they were not seeking to do anything positive or negative for their brother, but were merely trying to tell their version of the story.

We shall now turn to an evaluation of three key circumstances that clearly emerge from an analysis of the evidence in the case. The first of these is the fact that Ibrahim Berro was a member of Hezbollah, which has been established on the basis of a number of objective and subjective elements concerning Berro's life and certain details concerning his death. The second is the distracting maneuver involving the claim that he died in southern Lebanon and the fact that Hezbollah used this maneuver repeatedly. The third factor is Berro's participation in the AMIA attack in his capacity as a member of Hezbollah.

In this regard, the first circumstance that appears to be relevant is the parallelism between the circumstances surrounding the deaths of Assad and Ibrahim Berro, and the powerful influence that the former exerted on the latter.

The death of each of the brothers was announced to their parents by members of Hezbollah or by persons who were sent by Hezbollah. Thus the parents only found out that their sons were members of Hezbollah when they learned of their deaths. The bodies of both men disappeared, and their funerals were attended by prominent members of Hezbollah, namely the secretary general Nasrallah and his deputy Naim Kassem, both of whom gave speeches at the funeral.

In this regard, Abbas Berro stated that Ibrahim was probably influenced by Assad's actions, since Ibrahim dropped out of school so that he could earn money to support his family, adding that "also because they were both off work at about the same time, which is why he became a member of Hezbollah." Abbas also said that he learned of Assad's death from an announcement that was made at the mosque, since this was the customary procedure whenever something happened in southern Lebanon.

Concerning the death of Ibrahim, Abbas stated as follows: “On the morning of 9 September (...) we saw a group of people approaching, prominent figures in the city whom we knew. They came in and told my parents what had happened and that it was a shock for everyone and that’s how they told us about it. People came and tried to calm us down and to make things easy for us...” Abbas also said that Hezbollah was usually the organization that was in charge of disseminating such information, and that “first they tell the parents and then they announce it publicly.”

During the meeting with representatives of the FBI and Secretariat of Intelligence, Abbas stated that Hezbollah first announced the news to the “elders” of the community, and then told his family.

Statements such as these clearly indicate that Ibrahim Berro was a member of Hezbollah, a secret that he (like his brother Assad) took to the grave with him.

Abbas Berro stated the following with regard to his brother Assad: “His work was top secret. My parents never had an inkling that Assad worked for Hezbollah. Neither of my parents, nor any other members of my family, knew that he worked for Hezbollah until the day we learned of his death. He always used to say that he worked for a company that installed glass panes in house windows. He was extremely reserved, which is why we hardly knew anything.”

As for Ibrahim, Abbas stated as follows: “When he died, my parents were told (...) that he had died fighting in Lebanon. We didn’t know at this point that he was a member of Hezbollah. (...) Question: Did you sometimes talk to him about his participation in Hezbollah activities? Response: No. What I’m trying to say is that my parents didn’t have an inkling about this. If my parents had known, particularly since my brother Assad had died previously, it would have been very difficult

for my parents to accept that one of us (...) was following this path. This explains why he was so reluctant to talk about this and why we didn't know about it."

One of the explications given by Hassan and Abbas Berro for their surprise at the fact that Ibrahim had died in Hezbollah actions is that they found the story implausible, since although Ibrahim wasn't married, he had recently gotten engaged.

Abbas stated that "he [Ibrahim] was engaged. He was engaged in the traditional Islamic fashion, but he wasn't married in the social sense. But he was definitely engaged (...) he had gotten engaged only a short time previously. He was genuinely making serious efforts to be able to get married and start a family (...) he was very intent on starting a family."

Nonetheless, there is a parallel here with Assad's situation, since as we have seen, when he committed suicide Assad was in the process of creating a family of his own.

Abbas confirmed this, stating that "he [Assad] had a daughter and his wife was pregnant when he died." When asked if they received any assistance from Hezbollah, he stated that "they were supported by Hezbollah until they grew up. As I understood it, they paid for their education and medical costs."

Hence, in view of the fact Assad had committed suicide with a child and a pregnant wife at home, it makes sense that Ibrahim's family found it hard to believe that Ibrahim would do much the same thing simply because he was involved in Hezbollah.

Concerning the fact that neither of the two brothers' bodies was recovered, and the presence of members of Hezbollah at both funerals, Abbas stated that Assad's funeral was held in Oazi. When asked if he knew whether any members of Hezbollah had attended the funeral, Abbas answered in the affirmative, stating that "because they're the ones who take care of that. (...) The funeral is always held a week after the burial." Abbas then added that inasmuch as his brother's body was not there, "they simply held a funeral where someone came and gave a speech about the deceased, his good qualities and all that sort of thing, and the family (...) this was their way of expressing their condolences to the family."

When asked whether Assad's body had been recovered, Abbas stated, "No, we don't know. We believe, and in view of everything we've been told, there must not have been any body because the mission...because he died in a suicide attack, and so it's difficult to recover the body."

Then, when asked again about Ibrahim's body, Abbas stated: "No, we don't know. We don't have a body."

This absence of the bodies of Assad and Ibrahim Berro is a key factor that shows, in conjunction with other evidence, that both brothers committed suicide.

In addition, following the deaths, the families of both brothers received assistance from Hezbollah either directly or indirectly. According to Hassan's statements during his interview with FBI agents and representatives of the Secretariat of Intelligence, following the death of Assad, his wife and her children began receiving 300 dollars monthly from Hezbollah for her support and for

support and education. In addition, Ibrahim's parents received a medical subsidy from the Lebanese government, as well as financial assistance from Hezbollah.

The foregoing corroborates the information gathered by Magnus Ranstorp indicating that one of the institutions that worked within Hezbollah was the Matryrs' Foundation, which in conjunction with the Committee for Economic Assistance "distributed more than 90 million between 1982 and 1986, to families in which the head of the household had been killed or injured, and (...) provided approximately 225 dollars monthly for the families of martyrs" (op. cit, p. 3.713/3.852 of file 263).

Abbas Berro indicated that this explained why "the government regards Assad and Ibrahim (...) as members of the Lebanese army, which is why they receive benefits. They provide them with medical assistance. Thus you can say that the government provides this assistance, but with Hezbollah's support."

FBI agent James Bernazzani testified in our offices in this regard that "Hezbollah is a large organization and has numerous capacities (...) it runs candidates for election to the Lebanese parliament and has a program that assists the families of suicide bombers. Hezbollah also builds schools, hospitals and so on " (p. 121.946/121.950).

In other words, this is one further substantiation of the services provided by Hezbollah, whether directly or indirectly.

It should also be borne in mind in this regard that at this period another Berro brother, Ali, worked in a hospital that was run by Hezbollah. During the 26 April 2005 interview, Abbas Berro

indicated that “in 1994 he was working as a registered nurse at Al Rassol Azem hospital, which was owned by Hezbollah.”

FBI agent Mark R. Green stated that “they mentioned that Ali worked as a nurse at Rassol Azem hospital in Beirut. I know from my experience working as a counterterrorism agent that this hospital is run by Hezbollah. (...) I mentioned this to Abbas and he confirmed it for me. He told me that this was a hospital that is run by Hezbollah"

Abbas Berro corroborated this during his testimony. When asked if Al Rasol Azem hospital was operated and managed by Hezbollah, he responded that “most of the people that went there were Shiites. That’s why the hospital is managed by Hezbollah at times, but I’m not sure about the logistics in regard to this hospital.”

Hence there are many elements linking the Berro family with the Hezbollah and the benefits that it provided.

One such element is the fact that, according to Hassan Berro, Hassan Nasrallah and Naim Kassem attended Ibrahim Berro’s funeral, and members of Hezbollah also attended Assad’s funeral. We will return to this point later.

Thus the similarity of the two brothers’ stories is exemplified by the identical circumstances surrounding their deaths.

Another important factor in this regard is determining the amount of time that Ibrahim Berro was away from home prior to his death.

During the 26 April 2005 meeting between the Berro brothers and FBI personnel and representatives of the Secretariat of Intelligence, Abbas, who was living with Ibrahim during the period leading up to the AMIA attack, stated as follows: “Ibrahim was often away for lengthy periods of two to three months, and when the family learned of his death he’d been away for a while" (p. 119.257/119.263).

It should also be noted that this meeting was attended by Agustine Rodríguez, an attache at the Argentine embassy in the U.S. who approved the minutes of the interview (p. 119.259), and in his own testimony corroborated what had occurred during the interview and indicated that he had been present when both Berro brothers signed each page of the minutes as Abbas read them aloud (p. 119.302/119.305).

When FBI agent Mark R. testified, he was asked whether, to the best of his recollection, either of the Berro brothers had stated during the aforementioned interviews that Ibrahim was often away from home for lengthy periods. Green responded as follows: “Yes. I think that Abbas said it. Question: Can you recall whether, during this meeting, Abbas provided information concerning the duration of Ibrahim’s absences? Answer: Yes, they tended to be two to three month absences. Question: And furthermore, Agent Green, did Abbas indicate, during the 26 April 2005 interview, whether Ibrahim Berro had been absent from home during a period prior to his death? Answer: Yes. Question: And did Abbas Berro perhaps indicate on this occasion how long his brother had been absent from home prior to his death? Answer: I think he said it had been a pretty lengthy period, but I don’t recall the exact dates that he indicated in his response to this question" (p. 120.106/120.115).

Abbas and Hassan Berro corroborated the content of the aforementioned minutes during their testimony.

On being shown these minutes and being asked if "he had reviewed and signed this document at some point," Hassan Berro answered, "Yes, that's why I'm looking at my signature and my initials, to make sure that this is the case," whereupon Hassan said, "yes, these are my initials." On being asked next whether he therefore "agreed that this document is accurate and that you signed it and thus attested to this fact," Hassan said, "Yes, my signature appears here" (p. 120.039/120.041).

Abbas Berro also unequivocally validated the minutes of the interview. On being shown the minutes, which were identified as "Prueba Declaratoria Nro 1" [Exhibit 1], and being asked about the signatures that appear at the end of page one of the document, Abbas said, "These are my initials. This is my brother's signature, I think, and the signatures here might be those of agents Brian and Mark, because they were present when we signed this document."

On being asked, "Then is this a report that you signed after reviewing it on a date following the meeting of 26 April 2005?", Abbas said, "Approximately one and a half weeks after the meeting." The following exchange occurred when Abbas was asked, "Then, is it true that you met with these investigators, as stated in the report, on 26 April 2005?": "Answer: Right. Question: Did you provide any type of information? Answer: Right. Question: And then you wrote on this piece of paper, isn't that correct? Answer: Yes. Question: And then you reviewed this document approximately one and a half weeks later? Answer: Yes. Question: And then you signed it? Answer: Yes. Question: So then, given the fact that you corrected the document, is it accurate as it has been written here? Answer: Yes, according to my knowledge of this information."

It should be noted that after carefully reading the minutes of the 26 April 2005 meeting, both brothers validated the content of said document, including the statements to the effect that Ibrahim Berro was often away from home for "two to three months" at a time, and that just prior to his death, he had been absent from home "for a relatively lengthy period." This in turn means that Ibrahim Berro left home at some point between early June and early July of 1994.

The following passage from Abbas Berro's statements during the interview also corroborates this: "Question: So, it was clear that he was not at home at the time he died, and that he was elsewhere. How long had he been away from home when you learned of his death? Answer: I can't recall how long it was, but I think it was a few weeks, two months. I'm not sure. I really can't recall, a few weeks or months. I'm not sure. Question: Mr. Berro, in addition to this period just prior to his death, did Ibrahim go on a trip at any other time? You previously stated that he sometimes traveled for two to three month periods.

Answer: He probably did it once, but this wasn't a very frequent occurrence, and no, however I recall that he was probably away for about four to five month months prior to his death. This is probable, but I'm not exactly sure. I think so. (...) Question: Mr. Berro, I will now show you part the statement we are asking you questions about. I only want to ask you this so that we can obtain the exact facts. Where it says, 'Abbas confirmed that Ibrahim tended to be away for lengthy periods, for two to three months each time, and that when the family was notified of his death, he had been away for a relatively long time:' Is this accurate? Was he in the habit of being away from home for lengthy periods? Answer: Two to three months absences weren't frequent. On the contrary: my parents would have found out that something was going on. He used to go away for

four or five days, but there was only one occasion when he was away for several weeks or months. I can't recall, but yes I know that it was one time, and that my parents were worried and at that point began wondering what was going on. But when he died, my parents were told that Ibrahim used to spend time fighting in the south of Lebanon. We didn't know at this point that he was a member of Hezbollah. This is the reason why my parents began wondering about where he'd been during this period."

As can be seen from this passage, the longer Abbas testified, the more confused his statements became with respect to Ibrahim's absences.

For example, when asked how long Ibrahim had been away from home when his family learned of his death, Abbas responded, "I can't recall how long it was, but I think it was a few weeks, two months. I'm not sure. Really a few weeks or months." Nonetheless, when the question was rephrased more explicitly – "Could you tell us when you last had last contact with Ibrahim?... Was it by phone or in person?" – Abbas exhibited the same fuzziness, stating as follows: "Yes, we didn't...I came here[80] in 1996, but – [he added pensively] – he died before 1996. I was living in Beirut. We didn't have a phone, and he's never had one." Abbas was then asked: "So you had personal contact, is that correct?" to which Abbas responded: "Personal contact. I recall that I saw him around two weeks or a month...it's hard to recall. I can't remember when the last time I saw him was, but I was accustomed to his absences and I can't recall exactly when the last time I saw him was. It's hard to recall, so therefore I don't know. I don't know if it was a week or two weeks

[80] meaning the U.S.

prior to his death. I know there was a certain lapse of time, but I don't know exactly how much time before he died. I can't recall."

The foregoing notwithstanding, on being asked this same question at the meeting of 16 April 2005, Abbas stated that these absences were "for two to three months each time, and when the family was notified of his death, he had been away for a relatively long time."

We felt it was important to pass in review the various answers given by the Abbas on the various occasions when he spoke about his contact with his brother Ibrahim, since we realized that if we provided only a partial analysis of Abbas' responses, we would run the serious risk of conveying the impression that the last time Abbas said he saw his brother Ibrahim was only a week or two before his death was announced to his family, which of course would not have been consistent with chronology of the events as we have presented them here.

However, as we have seen, Abbas tried to convey the impression throughout his testimony that he was unable to recall clearly this particular aspect of the matter, and thus a global analysis of this statements has led us to lean toward the conclusion that more rather than less time elapsed between the two key events here, namely the last time Abbas saw his brother Ibrahim and the day the Berro family learned of Ibrahim's death.

This contention is supported by Abbas's repeated references to "months" both times he testified; by the use of phrasing that connotes stretches of time such as "I was accustomed to his absences"; and the telling fact that, in his unconcealed efforts to try to estimate the amount of time involved,

Abbas had to resort to his own arrival in the U.S., which occurred no less than two years after the events that are being discussed here.

As for Hassan Berro, he did not provide any further information in this regard, nor was he in a position to do so since he was not in Lebanon at the time of the events in question, as he had been living in the U.S. since 1985.

Hence, all of this suggests – in conjunction with the remainder of the evidence in the case – that Ibrahim Berro was not living at home at the time of the AMIA attack.

By the same token, and in connection with Ibrahim's presumed physical disability (a characteristic that was mentioned by his brothers), it seems obvious that Abbas was not prepossessing and was relatively pliant, since it seems reasonable to assume that a person with his traits was amenable to being trained and then deployed for operations of a military nature.

Hassan Berro stated in this regard that "...my brother Ibrahim had been seriously injured. He was walking near a car and the car exploded (...) His injuries were in his lungs (...) The shrapnel passed through his lungs, his back and his whole body (...) He was hospitalized for six months."

Abbas Berro also stated that his brother Ibrahim suffered from diminished motor skills owing to the fact that at the age of 15 or 16, while walking back to his job at an auto garage after his lunch break, he was impacted by the explosion of a car that injured him severely and kept him in the hospital for about eight months. Abbas also stated as follows: 'His back was severely injured. His lung was also affected by this, as was his knee. He had a lot of problems with his knee. He underwent three or four operations (...) After a year his life went back to normal but (...) how can I

say (...) when he walked (...) Question: Was he lame? Answer: Yes. His walk wasn't normal. He had a lot of problems."

However, elsewhere in his testimony Abbas stated as follows: "...This car bomb attack had no impact on Ibrahim's daily life (...) The only lasting effect was the pain in his knee. Only that remained, but he was full of energy and was very active. (...) He led a normal life. You can't really say that he was an injured person (...) he was even able to play soccer after being injured." .

On being asked, "Is it then the case that when he was away from home, whether for four or five days or sometimes for more prolonged periods, he was being trained by or fighting with Hezbollah in southern Lebanon?", Abbas answered, "Yes. Because this is only logical and they're not going to let anyone fight unless they're well trained..."

This last statement clearly shows that Ibrahim Berro did in fact carry out the activities that have been imputed to him in the present case, and that he did not suffer from any physical disability that could have precluded the realization of said activities.

An additional significant element is that, according to intelligence reports, the Berro family had ties with other terrorist groups (apart from Hezbollah) that led family members to participate in certain operations. Although this does not mean that all of the family's activities were terrorist oriented, this fact does help us to understand the thinking that resulted in two suicides in the family, and the death of a third family member (Mohammed Berro) under unclear circumstances that may also have involved Hezbollah, which helped to make the arrangements for Mohammed's funeral.

Concerning the doubts as to the real cause of Mohammed Berro's death, the prosecutor of the Lebanese court of appeals, represented by the first judge in the investigation in Yabal Lebnan, Josef Qazi, stated that Mohamed Berro "died on 18 December 1995 in an incident in one of the organizations, according to a response from the office of documentation (...) in unclear circumstances involving a hunting rifle" (p. 114.976/114.993).

This appears to have been corroborated by a report from the Secretariat of Intelligence stating that "according to public sources associated with Hezbollah, on 13 November 1999 Islamic Resistance launched 24 attacks, one of which was realized by a commando group known as the Ali Al-Bostani and Mohammed Berro Martyrs' group. This would appear to indicate that Mohammed Berro participated in an operation at some point, since normally the 'commandos' of martyrs bear the name of fighters who have fallen in combat" (p. 32/34 and 36 of file 387).

During the 26 April 2005 meeting, Hassan and Abbas indicated in this regard that Mohammed died in a hunting accident in December 1995, and that his funeral had also been sponsored by Hezbollah, in commemoration of the fact that two other deceased members of the family had been members of this organization.

On being asked about the corresponding passage in the report of said meeting Abbas Berro stated as follows: "They provided a speaker and a few people who helped us out (...) to serve coffee and offer cigarillos (...) this type of custom that's practiced at funerals (...) offer people water or something like that (...) Hezbollah is a political organization that's very active in the city and in general (...) that's how they entered on the scene (...) they help people that need help during funerals and because Assad had died with Hezbollah (...) so they regarded it as help for the family."

The response from the Israeli Ministry of Justice says essentially the same thing: “According to information broadcast by Nur radio, on 21 December 1995, Hezbollah and the Berro family invited the radio audience to attend a ceremony marking the one week anniversary of the death of Mohammed Hasin Bero, brother of Assad and Ibrahim.

The communiqué in question stated that the ceremony would be held on 24 December 1995 at the facility known as Iman Elhadi El Ouzai..." (p. 109.603/109.606).

The foregoing notwithstanding, the following statement by Agustine Rodríguez is also noteworthy: “You have to remember that both brothers also stated that their brother Mohammed died in 1995, but said that his death was the result of a hunting accident, and that his mother and other members of his family witnessed the event. In addition, in the deponent’s view and that of the engineer Stiuso, it appears unlikely that this was the case since it is extremely unusual for Islamic wives to go on a hunting trip. And then there’s also the fact that the funeral was sponsored by Hezbollah" (p. 119.302/119.305).

Hence, based on the information provided by the prosecutor of the Lebanese court of appeals and the Secretariat of Intelligence, as well as the conclusions reached by Agustine Rodriguez, there appears to be little doubt that Mohammed also died while carrying out activities that were connected to Hezbollah.

We shall now discuss the circumstances surrounding the funeral of the Berro brothers’ father, who died on 7 January 2005.

Abbas Berro stated as follows in this regard: “Hassan Nasrallah, a lot of people (...) from the Lebanese parliament (...) and many Lebanese ministers. Question: Do you mean ministers from the Lebanese government? Answer: Yes. And government military personnel as well. Question: Did Hassan Nasrallah give a speech at the funeral? Answer: Yes.”

On being asked why his father’s funeral attracted so many dignitaries such as Hassan Nasrallah, members of parliament, government officials and military personnel, Abbas stated as follows: “Because the Lebanese government and Hezbollah feel that they are doing something for two sons that defended the country. This is why they had such high respect for them. But at the same time everyone was trying to get something out of these ceremonies if they wanted to say something to the public or if they wanted to make a certain kind of declaration or if they wanted to send certain political signals, because they do a lot of politicking. They take advantage of these ceremonies or events to communicate with the public. Consequently, at times they hope for such opportunities so that they can communicate with the public, for better or worse...I don’t know...they were waiting for my father’s funeral and they spoke there.”

According to Hassan Berro, the speech “was broadcast on national TV. All of the TV stations were there...”. This is yet another element confirming that this was not just another ceremony for members of Hezbollah to attend, but was instead an important public event.

In this regard, Hassan Berro recounted that Hassan Nasrallah said in his speech at the funeral of Hassan’s father that “...he raised two sons, three of them suicides. That he had three dead sons,

that's all. I don't know how to translate it. Question: He said three dead sons. They would be Ibrahim, Assad and Mohamed, is that correct? Answer: Three sons. Question: Including the death of Mohammed part of the Hezbollah operation? Answer: No, no, not Mohammed. Assad and Ibrahim. That's all. He wasn't talking about Mohammed (...)."

It is significant that he did not refer to them as martyrs, which would lend a somewhat more ambiguous tone to the wording, and perhaps even clearly signal that they were suicides.

Moreover, in the original English transcript they are referred to as suicide bombers[81] (p. 120.032), which leaves no room for doubt since the connotation of this term escapes no one, and cannot be the least bit ambiguous, even though it's from a foreign language.

Hence there can be little doubt that the presence of so many high level officials was the result of an extraordinary situation, and that Hassan Nasrallah's speech contains a clear reference to the existence of two suicide bombers[82] who sacrificed their lives for the cause of the organization, and that Nasrallah was referring to Assad (who had been killed on 8 August 1989 when he drove a car bomb into an Israeli military convoy that was on its way to the village of Kile-Tel Nahs) and Ibrahim Hussein, who died in the AMIA attack on 18 July 1994.

There is no other possible explanation for Hassan Nasrallah's statements on this matter.

[81] Translator's note: "suicide bombers" is in English in the Spanish document.
[82] Translator's note: Suicide bombers is in English in the original. The Spanish text appears to indicate that its Spanish equivalent is "hijos suicidas", i.e. sons who committed suicide.

Hence, we believe that Hezbollah sponsored the funerals for three sons in the Berro family, as well as their father, and that Hassan Nasrallah acknowledged the suicide of two of these sons during the aforementioned funerals.

Hence there are numerous circumstances that translate into a large number of parallels between the circumstances surrounding Assad and Ibrahim Berro. Moreover, Hezbollah has acknowledged that Ibrahim was a member of the organization, and although Hezbollah claims that Ibrahim died in a different operation, the organization freely admit that he was part of Hezbollah – which in turn means that there is not the slightest doubt about this fact.

Articles that appeared in the online editions of the newspapers *Clarín* and *La Nación* of 11 November de 2005 contain the text of the communiqué that was issued by Hezbollah and disseminated by the Lebanese press. These articles support our contention that Ibrahim Berro was the suicide bomber in the AMIA attack.

The *Clarín* article, whose title is "Hezbollah insists that it played no role in the AMIA attack," states as follows: "The communiqué issued by the Islamic guerilla group maintains that 'the martyr Ibrahim Berro' was part of a group of fighters who 'died during a clash between the Islamic Resistance (the armed wing of Hezbollah) and Israeli occupation forces in southern Lebanon'"

The newspaper *La Nación* stated as follows in an article entitled "Hezbollah denies that Berro was a suicide bomber": "The Lebanon Shiite group Hezbollah today issued a communiqué denying that the organization played a role in the AMIA attack, and also rejected the idea that one of its members, Ibrahim Berro, had participated in the attack (...) Hezbollah also stated that Berro died

fighting in Lebanon and that his remains 'lie next to the dozens of other martyrs of the resistance' against Israel".

Hence both of the aforementioned communiqués, which were disseminated via newspapers, clearly prove that Ibrahim Berro was a member of Hezbollah.

The foregoing notwithstanding, and as has been pointed out previously, Ibrahim Berro's brothers accepted without hesitation the fact that Ibrahim was a member of Hezbollah and that their family only learned of this affiliation after Ibrahim's death.

The presence of high ranking Hezbollah officials at Ibrahim Berro's funeral and at those of his brother and father is also indicative of this fact.

As stated previously, Hassan Berro indicated that Hassan Nasrallah and Naim Kassim attended Ibrahim Berro's funeral; that other Hezbollah officials attended Assad's interment; and that "everyone was talking angrily about this and then Hezbollah came to the funeral." Moreover, Mohammed's funeral was "...sponsored by Hezbollah in commemoration of the fact that two other deceased members of the family had been members of Hezbollah" (minutes of meeting of 26 April 2005); and that, insofar as the father's funeral was concerned, "Hassan Nasrallah attended the funeral and gave a speech there, which Abbas attributed to the fact that two family members had died for the Hezbollah cause, and that Nasrallah wanted to show support for the family..." (minutes of meeting of 26 April 2005).

Agustine Rodrigues, a former attache at the U.S. embassy in Argentina (p. 119.302/119.305), testified that the presence of sheik Nasrallah at a religious ceremony involving a death of this type,

"is a very important fact since he's the highest authority and spiritual leader of the organization and his presence was meant to convey to the suicide's family recognition and support for the mission that their son had undertaken, and to show that the suicide was a member of the organization and that he was carrying out a mission in its name."

Hence, there is not the slightest doubt that Ibrahim Berro was an active member of Hezbollah.

We shall now describe the circumstances that indicate how Hezbollah went about covering up the fact that Ibrahim Berro had died in the AMIA attack.

An initial explanation of this action on the part of Hezbollah can be found in the sphere of religion. In the Islamic religion, suicide is a sin, including suicide by individuals who have earned a place in paradise by other means. Consequently, the concept of suicide terrorism distorts the message of the Koran, which Muslims are supposed to protect in order to avoid undesirable consequences.

Historically (and as we have seen in another section of the present report), suicide terrorism has been most heavily used in the Middle East, where it has become an increasingly frequent method of attack by religious fanatics.

In this scheme of things, the Arabic term "shahid" (martyr) is inextricably bound up with the concept of jihad, or holy war.

According to author Bernard Lewis,[83] holy war or Jihad is an obligation of faith that is governed down to the last detail by the sharia, or Islamic law. Lewis states that Jihad fighters are duty bound to avoid killing women, children, and the elderly, except in self defense, not to torture or mutilate prisoners, to give reasonable notice of the resumption of hostilities following a cease-fire, and to abide by agreements.

Likewise relevant in this regard, according to Lewis, is the debate over the "legality" of the use of arms and methods that provoke "indiscriminate victims" (Bernard Lewis: *The crisis of Islam: holy war and unholy terror*, p. 60).

Lewis adds the following in this regard: "Those who die in the Jihad are called martyrs, or *shajid* in Arabic and other Islamic languages. The word martyr comes from the Greek *martys*, or 'witness', and in Judeo-Christian usage refers to an individual who is prepared to suffer torture and murder before renouncing their faith. Hence his martyrdom is a testimony to the martyr's faith and his willingness to suffer and die for it." However, in Islamic usage, "the term martyr is normally interpreted as meaning death in a jihad, and its reward is eternal benediction, which is described in great detail in the first religious texts." Lewis then states that this is why classical jurists make a clear distinction between facing sure death at the hands of the enemy and dying by one's own hand, inasmuch as the former leads to leaven, while the latter leads to hell. He also says that some recent fundamentalist jurists have blurred this distinction or have even repudiated it entirely; but inasmuch as this vision is not universally accepted, "suicide terrorism entails a considerable risk from a

[83] Emeritus professor of Middle East studies at Princeton University and author of numerous books on the subject to Islam and the Middle East.

theological standpoint" (op. cit, p. 59).

Abolghasem Mesbahi corroborated this in his 21 April 1988 testimony, when, on being asked "if there is a religious rule for suicide and how is it promulgated," stated that "Ayatollah Khamenei sets a general rule concerning suicide, and that he is the person who issues the instruction to obey, and this is key in terms of entering paradise." In addition, when asked about the specific case where "the driver was aware of the role he was fulfilling", Mesbahi responded as follows: "Yes, people argue about this, it's an honor. They choose the person who has achieved the most in the past. The person knows this ahead of time, and this mystical and spiritual aspect prompts the family to promise that they will pray for the suicide attacker..." (p. 141 of file 204).

In another statement, Mesbahi indicated that "...Preparing for suicide is a one to two year process that is realized in an emotional and religious ambience. They convince the person that the act will lead them to heaven..." (p. 381/416 of file 204).

Mesbahi also stated the following in this regard: "...The suicide driver knows that he is going to die in the attack and that the suicide is being carried out in accordance with a fatwa, since the Koran prohibits suicide. Only the leader Khomeini or Khamenei has the authority to issue a fatwa. If there were no fatwa, the driver would go to hell, but the existence of the fatwa ensures that he'll go to heaven..." (p. 3,448/3,461 of file 204).

James Bernazzani stated the following in this regard: "Terrorist organizations that have suicides, particularly Hezbollah, have an identification and evaluation process whose purpose is to ensure that the person is trustworthy and that he will give his life for the cause. As an organization, Lebanese Hezbollah has a common origin, which is Lebanese. They also adhere to one sole

religion, which is Shiite Islam, and distrust all others. He stated that in his experience, Hezbollah only uses

Lebanese Shiites as suicides. If the ethnicity and religion of the suicide can be determined, and if the person turns out to be a Lebanese Shiite, then the attack was realized by Lebanese Hezbollah" (p. 121.946/121.950).

As we have seen, fatwas have been an indispensable element in the realization of suicide attacks. Bernard Lewis has stated the following in this regard: "[A fatwa] is a legal opinion or decision concerning an aspect of the Law in Islamic jurisprudence. It's the equivalent in the sharia of the responsa prudentium in Roman law. An Islamic jurist who is authorized to promulgate a fatwa is given the name mufti, which is an active participle from the same root. In using fatwas to pronounce death sentences and recruit an assassin, Ayatollah Khomeini has deviated seriously from standard Islamic practice" (op. cit, p. 155).

In Islamic culture, a martyr who participates in the jihad is granted a series of privileges in the other world or "paradise."

Andrea de Vita[84] states the following in this regard: "A martyr – like all loyal Muslims – is assured of an eternal reward. However, (...) the mujahidin has privileges that others don't have, at the moment of his death, in the ensuing phases and when he arrives in paradise. Following a death that is free of fear or pain, Muslims who fall in combat will rise from the grave, will be greeted by the angels, and will not be tested in any way. Following this, each of them, under their own flag,

[84] Holds a Ph.D. from the University of Seville and a degree in theology. Professor at Escuela de Estudios Orientales at Universidad del Salvador.

i.e. the flag of the martyrs (liw' al-uhad), will enter paradise through the first of its eight golden and pearly gates, since this is the gate that is set aside for the prophets, the emissaries, the martyrs and the saints." De Vita adds that one of the most important of all the joys of the martyr is his relationship with the houris, who are "beautiful women with black pupils, draped in green silk which is embellished with a yellow pearl belt (durr), and they bare their breasts and then they mount one of the steeds of paradise and place themselves behind you and when you suffer they suffer with you, and when one of you receives a blow, they come to you and wipe away your blood, and they say: as of today the world and its suffering are at an end for you, and you will be next to the Lord the Generous One, and you will drink spiced wine (raq majtm) and you will select your wives from among the houris with the black pupils" (article entitled "Morir por Allah" [Dying for Allah], published (in Spanish) in *Le Monde diplomatique*, volume III, no. 28 October 2001, p. 12-13).

Thus is the shahid rewarded for his conduct in connection with the fatwas, and receives a reward in the form of the promise of privileged entry into paradise in the beyond.

One of the main reasons for the use of suicide attacks by radical Islamist groups is that these actions have a devastating psychological effect since the perception develops that such attacks are very difficult to prevent, and this in turn spreads terror amongst the entire population. The mass media unintentionally heightens this effect by showing images of the victims, as well as the panic, thus facilitating the effect that the terrorists are trying to achieve.

This effect has been heightened still more recently by attacks realized against countries that presumably have the most resources for deterring such attacks.

Although Palestinians carried out a scattering of suicide attacks in the 1970s, such attacks only evolved as a full fledged tactical method starting in the 1980s, when spectacular car bombing were carried out in Lebanon, causing massive losses. These attacks were realized by voluntary suicide bombers who had ties to Lebanese Hezbollah, and then began to spread to other parts of the world.

Cognate with this, the former secretary general of Hezbollah Sobhi Tufaili stated the following in an interview with the newspaper *Clarín* that appeared in their 28 August 1994 edition (second edition, p. 4/6): "In principle, inasmuch as Islam prohibits murder, suicide is also forbidden. However, operations realized by suicide bombers are permitted under certain circumstances, namely when death is certain, and if there is no other way to fight to liberate your country or defend your faith. We are allowed to carry out suicide operations providing that death is certain..."

It is clear from this statement that only certain types of suicide are allowed.

This is the same type of situation that the Ibrahim Berro's family was in, in that they denied or at a minimum doubted whether Ibrahim had really committed suicide; but they accepted Assad's suicide, since it occurred on Lebanese territory. Nonetheless, the possibility cannot be completely ruled out that the Berros were afraid that Hezbollah would undertake reprisals against family members who were still living in Lebanon; plus the fact that the Berro family was receiving a medical subsidy and financial assistance from Hezbollah.

Revealing in this regard is a statement by the witness Agustine Rodríguez concerning his meeting with the Berro brothers. He said the meeting was a “voluntary interview that the immediate family members of the suicide bomber were allowed to attend; the interview was realized with absolute freedom and as truthfully as the circumstances permitted.” Rodríguez ascribed this to “cultural conditioning which, owing to what’s drilled into them from the time they’re kids, requires each person to admit openly that a family member has participated in serious acts such as those that are under investigation.” Rodríguez also said that “they don’t feel that their brothers are completely responsible for what they did, since they’re aware of the possible consequences of this. Nevertheless, their testimony contains numerous elements suggesting that Ibrahim participated in the AMIA attack".

This is also indicated by two of Abbas Berro’s responses, which were as follows: “...We didn’t have the slightest idea that Hezbollah carries out actions outside of Lebanon. If you ask anyone in Lebanon, any individual from any walk of life, they don’t believe that Hezbollah could do anything outside of Lebanon (...) They all believe that Hezbollah simply focuses on southern Lebanon because, although some people say they’ve heard rumors about this, they know that Hezbollah doesn’t carry out any kind of a action or mission outside of Lebanon. That’s why they don’t pay too much attention to this...”

Elsewhere in Abbas Berro’s testimony, on being asked whether he found it believable (inasmuch as his brother felt sufficiently strong to fight for Hezbollah against Israel in southern Lebanon) that it was also right to attack Israeli targets outside of Lebanon, in places such as Argentina for example, Abbas stated as follows (in keeping with what Bernard Lewis says on this subject): “They don’t believe that innocent persons, civilians, or individuals who have no connection with what’s going

on in their country...” are “a valid target...and this is why no one – including the entire Lebanese population – ever thought that Hezbollah would realize operations outside of Lebanon.

(...) I could speak in the name of all of the people of Lebanon because I know that it would never cross anyone’s mind that Hezbollah could carry out actions outside of Lebanon. So that’s how we know it, because they live daily life, they can’t imagine it. They know that there have been many allegations and all the rest, but they simply don’t believe them.” Abbas then stated the following with regard to his brother Ibrahim: “I think it’s possible that for him, it made sense to fight, because when he saw the Lebanese army fighting to regain its territory, this was valid (...) what I mean is that for him it made sense to do likewise. He was a kind of hero in Lebanon. If you defend your territory, you’re a hero and that’s how everyone in Lebanon thought of them. Including the Lebanon government, which rendered them homage. The Lebanon government regarded them as being part of the Lebanese army that was defending the country. This is how all persons who have died in southern Lebanon are seen. These persons are honored by the government, which also announces their deaths throughout the Arab world and says that these persons died in southern Lebanon and that they were heroes for the country because the government regards them as being part of Lebanese military forces or army. This is the official view of them, which is why it’s so difficult for us to believe that Hezbollah could have carried out an operation outside of Lebanon...”

On being asked whether he had heard that Hezbollah had said that in order to achieve its aims against Israel, its reach would extend beyond Lebanon, Abbas stated as follows: “No. When we saw the news (...) there was no mention that they could do something (...) I can tell you that they

never said anything about doing something outside of Lebanon (...) and so we heard about it publicly from the news, not only from Hezbollah spokespersons (...) we have more than 20 political parties in Lebanon and all of them have stated that Lebanon doesn't do anything beyond its borders, since it's had enough problems in the past. The civil war broke out as a result of the involvement of persons from outside Lebanon. Today, they're very focused on trying to keep everything at home, without going outside of Lebanon to do anything. So this is why the Lebanese government has announced to the entire world that everything they do relates to Lebanon and is realized within Lebanon. What I'm saying is that I heard it on the news," a fact that reveals a contradiction, inasmuch as "Lebanon doesn't do anything beyond its borders because it's had enough problems in the past," and "Today, they're very focused on trying to keep everything at home, without going outside of Lebanon to do anything" means that they used to do it in the past. Moreover, this is an indication of the voluntary or induced disinformation to which they're subjected, even though statements by Hezbollah's spiritual leader sheik Mohammed Hussein Fadlallah are matters of public record. Fadlallah stated the following in this regard (among other statements of this nature): "The resistance has a great deal of oxygen, the enemy said that he has a very large reach, but when Abbas Moussawi was assassinated the Islamic fighters proved that their reach can extend all the way to Argentina. The battlefront now encompasses the whole world and the battle will unfold as time goes by," (p. 104.452/104.453), among other statements of this nature.

The Berro brothers' assertions also appear to have been distorted by a statement that is known to have been made by Hassan Nasrallah, on 17 June 1994, which is cited as follows by Vaught S. Forrest and Yossef Bodansky, advisors to the Congressional Task Force on Terrorism and

Unconventional Warfare of the U.S. House of Representatives, "There are 1000 suicide commandos ready to confront Israel throughout the world"[85](p. 3.755 (reverse) of file 392).

In an interview in connection with the AMIA attack, Yves Bonnet (head of France's internal security service *Direction de la Surveillance du Territoire* from November 1982 to July 1985), stated as follows: "The statements made by sheiks Fadlallah and Nasrallah following the Dirani kidnapping and the attack on the Kawkaba camp can be regarded as important elements for the investigation, since this type of statement in which the realization of attacks is announced tend to be significant". Bonnet added: "At first such statements by these men seemed laughable, but later it turned out that they meant what they said and that they really were planning to carry out these actions. It's a different culture. They say it, they announce it, and then they do it. They've made extraordinary statements, and these people at least have the virtue of not concealing their expansionist ambitions. They clearly express their intentions or position, without the slightest ambiguity..." (p. 990/995 of file 209).

Hence it is evident that cultural conditioning would make it highly difficult for any family member of a suicide bomber to admit that such member had participated in an attack outside Lebanon. Nor would it be an easy matter for such family members to gain access to this information, even in situations where it would be possible to deduce it.

Consequently – and given the fact that the Berro brothers indicated that that their family first learned of Ibrahim Berro's affiliation with Hezbollah after Ibrahim's death, a circumstance which had previously occurred in the Berro family in connection with the family's previous suicide, Assad – no credence or relevance can or should be attributed to the family's conviction that

[85] This statement was published in the 17 June 1994 edition of the newspaper Al-Watan Al-Arabi

Ibrahim was incapable of participating in an attack such as the AMIA bombing, since this assertion reflects a lack of even a modicum of knowledge concerning the activities realized by Ibrahim from the time he joined Hezbollah, or the transformation/mutation that his thinking might have undergone during this period.

The foregoing notwithstanding, a passage from Abbas Berro's testimony appears to indicate that despite the alleged incapacity to perceive the situation that Ibrahim was in, some isolated piece of information that Ibrahim had communicated did remain in Abbas's memory. On being asked which type of things made him think that Ibrahim might sometimes have been on a Hezbollah mission when he was absent from home for these periods, Abbas stated that "during the last four years of Ibrahim's life, I noticed that Ibrahim had become more religious, and that he would spend time with a group of guys, his friends, and he occasionally mentioned that he might go to southern Lebanon some day..."

Nonetheless, the Berro family never thought it was possible that Ibrahim's future plans might lead him to join the ranks of Hezbollah. Abbas Berro stated the following in this regard: "...We were all taken by surprise, since Ibrahim was making plans to lead a different life, because when Ibrahim got engaged, my parents said that this kid wanted to start a family and lead a good life.

Also, he'd started to work and was always telling my parents that he wanted to relocate to a new house, that he wanted to buy a house. This is why they never suspected that one day Ibrahim would be fighting for Hezbollah, since he was planning his life and this is why they were so upset at that moment..."

In referring to this matter in other parts of his testimony, Abbas said the following: “If I see (...) with my own eyes (...) I can’t imagine him doing something like this (...) He wasn’t very well educated. He didn’t even finish ninth grade. And all I can tell you is that I don’t know, but I can’t imagine him doing something like that (...) And he was very eager to come to the U.S. to learn a trade and live a good life here. That’s why my mother did everything within her power to ensure that all my brothers could come here and get an education (...)”

However, it did in fact happen. Consequently, this inability on the part of Ibrahim’s family to see where his conduct was taking him makes it difficult to accept their reservations concerning his participation in the AMIA attack, thus rendering opaque and unfathomable the information they thought they had about Ibrahim.

It should be noted that Ibrahim was a member of Hezbollah for quite some time, a fact that was confirmed by Abbas Berro, who testified that “since his death, we’ve been presuming that he had fought with Hezbollah in southern Lebanon for a long time, maybe four or five years...”

According to Agustine Rodríguez, the portrait of Ibrahim Berro that was painted by his brothers – particularly with regard to the fact that he wasn’t very educated and only spoke Arabic, which led the brothers to believe that Ibrahim wasn’t capable of planning an attack like the AMIA bombing – “led the engineer Stiuso and the deponent to the conclusion that Ibrahim was the ideal person to carry out the suicide bombing.” Also significant here is this statement of Hassan’s: “After what happened to Assad, his mother tried to give all of her sons a good life and to keep them away from the environment related to the thinking of Hezbollah. This is why Hassan emigrated to the U.S. in 1985, and after that his mother obtained the documentation for Ibrahim to move to the U.S. out of

fear that someone with his low intellectual level might fall into Hezbollah's clutches." This confirms Rodrigiuez's conclusion and shows that Ibrahim's low level of education, far from being a negative trait in terms of participating in the AMIA attack, constituted a circumstance that is often found among individuals who fall under the influence of Hezbollah. Ibrahim's mother was aware of this as well.

In this regard, Abbas Berro stated that his mother began having doubts about "the story that Ibrahim had died in southern Lebanon...", adding that "As long as she can't see with her own eyes that he is a corpse, she clings to the belief that he will return some day." On being asked about some of the details of the event, Abbas responded as follows: "This is something that's confidential (...) Even the participants didn't know anything. Hezbollah didn't tell them anything. (...) We tried to obtain information, but Hezbollah kept saying that inasmuch as he was in the mountains and was attacked (...) and these, again, are fairy tales. (...) he was attacked by a helicopter, so there are no remains of his body. A few times we were told that Israel still has his body and other times they said it was lost in the mountains, but we have no exact information as to where his body is..."

The reference here to Hezbollah's official version as a "fairy tale" reveals the family's lack of faith in it, as does the remark about the mother's doubts, exemplified by this: "she clings to the belief that he will return some day."

Hassan Berro expressed these doubts as well: "The reports indicated that the attack in Argentina occurred on 18 July and they said that my brother died in Argentina. I began wondering why so far away." This latter remark indicates that for Hassan, it was conceivable that his brother died in the AMIA attack.

Abbas Berro voiced the same doubts: “Everyone knows he’s dead, and everyone knows that he died in southern Lebanon. But this is sometimes very difficult to believe if you don’t have a body.”

And indeed, has been stated, this absence of a body constitutes one piece of evidence indicating that Ibrahim Berro blew himself up.

This factor dovetails with two other suggestive circumstances surrounding the conduct of the Berro family – namely the striking absence of any effort on their part to recover Ibrahim’s body and obtain more information about what happened to him. This is reflected in various parts of their testimony.

For example, when asked whether Ibrahim’s body was ever recovered, Hassan Berro stated as follows: “They said that Israel took his body to the mountains or that animals ate it. I don’t know. That’s what I heard.”

Then, concerning the desire to find out what happened to Ibrahim and on being asked if he had any information that differed from the initial information concerning the circumstances surrounding his brother’s death in Lebanon, and in particular if he had heard that his brother had died someplace outside of Lebanon, Hassan stated as follows: “I heard something along those lines two or three years ago. While my son was doing internet research about Hezbollah for school, he came across Ibrahim and Assad (...) He told me what it said there and I started reading it. It said that he’d died in Argentina two or three years previously. That’s how I heard about it. (...) I found out that Ibrahim Berro had died in the attack in Argentina, that’s all. (...) Question: Based on this

information, did you continue to search or investigate in order to find out more about his death? Answer: No, no. I didn't do any investigation of any kind, although I did do something...I found out that it happened on 18 July and that my brother died on 9 September. That's all I found out. There's a large difference amounting to about two months, a difference of about two months."

On being asked whether he at least had talked about it with any member of his own family, Hassan reiterated as follows: "No, I never talked about it with anyone. (...) I didn't ask anyone because I didn't think about it. I don't like thinking about this or anything related to it. You can ask anyone. Question: I realize it's not a pleasant subject to talk about. Mr. Berro, have you and Abbas ever discussed the possibility that Ibrahim died in Argentina? Answer: I said something about it to Abbas, yes. That's all. I told him that's what it said on the Internet and he didn't pay the slightest attention to what I said. He said: let them say whatever they want. That's all."

When asked more specifically as to whether, since Abbas was in Lebanon at the time, he'd ever wondered about Ibrahim's death, Hassan said: "I never asked him anything about this subject. I've never asked anyone anything about this subject. I don't want to get involved in anything."

When Abbas Berro was asked if he'd ever obtained any other type of information indicating that Ibrahim had died elsewhere than in southern Lebanon, he stated as follows: "We heard rumors. Question: Which rumors did you hear? Answer: That Ibrahim Berro didn't die in southern Lebanon. That's all we heard because they said it in news reports."

Then, asked whether he had heard at any time between 1994 and the present that Ibrahim had died in Argentina, Abbas stated as follows, in line with what Hassan had said: "Yes. About three or

four years ago my nephew came across my brother's name while doing Internet research (...) and it said there that Ibrahim Berro was involved in the attack. That's how I found out that there was something serious going on in this regard. But before that we heard rumors via news reports. Lebanese newspapers sometimes said that this faction said that some Lebanese were involved in this attack. That's how I heard the rumors. But in reality, the rumors don't matter to us and we don't pay attention to them because everyone and my parents (...) we all believe that he died in southern Lebanon. Although we all know that he died in southern Lebanon, this has nothing to do with this bomb."

The disinterest expressed at the beginning emerges clearly here, in that Abbas Berro stated that the news reports concerning his brother's fate didn't matter to him and that he paid no attention to them, to which he added: "I never gave it any thought because I really believe that he died in southern Lebanon and it never would have occurred to me to look into it because I'm 100 percent sure that he died in southern Lebanon."

Abbas's mother appears to have adopted much the same attitude. When Abbas was asked whether he had said anything to his mother about what his nephew found on the Internet, Abbas stated as follows: "She wasn't interested in this (...) This doesn't matter to her, unless they tell her where Ibrahim is. This is the only thing she cares about, finding out where Ibrahim is.

When asked a further question, in light of the concerns raised by his previous response, given the fact that "it's somewhat strange that you say that obviously your mother was very interested in finding out what happened to Ibrahim's body, as any mother would be. Thus this seems inconsistent, given that she wasn't interested in any type of information that would tell her and indicate that it was possible that he died in Argentina. Doesn't it seem logical that she would be

anxious to obtain any possible kind of information that would help her learn the truth concerning the whereabouts of Ibrahim's body?", Abbas responded as follows: "Sure, but as I said before, no one in the family can imagine Ibrahim in a situation like that, and we can't believe that Ibrahim could have died outside of Lebanon."

However, this certainty was absent in response to the question, "Do you have any knowledge of any other person that might have participated in the attack in southern Lebanon in which your brother lost his life?, to which Abbas responded that "This is all due to the fact that these things are kept secret. They don't say anything about it to anyone."

Clearly, the certainty that is manifested here does not stem from reality-based information, since on being asked if he knew how his brother died – "from a bullet? from a bomb? how did he die?" – Abbas stated as follows: "The information we received or the rumors we heard, but nothing was confirmed. A helicopter simply attacked them and discovered their location and bombarded them. That's what we heard (...) We began hearing a lot of stories and people began talking about certain suggestions and all kinds of things, but that's what we heard...that a helicopter or plane had simply attacked them (...)"

Here too, we see that the family made no effort to obtain official information and were satisfied with Hezbollah's version of the events. Thus, on being asked whether any particular person had provided this information, Abbas answered as follows: "That's what we hear[86] from our friends (...) But I can't recall any specific person that mentioned it to me (...) But they don't provide any details. They simply announce that he was on a mission in southern Lebanon and that someone was

[86] Translator's note: Here and elsewhere in this response (and others), the verb tenses are *sic* in the Spanish, i.e. anomalous for the context. This is possibly due to the fact that Latinos in the U.S. sometimes use the present tense when referring to the past – assuming that Abbas was speaking in English.

killed and they announce (...) but they don't provide details (...) the don't even give the family any details (...) Question: Do you know if any Lebanese citizen died in this operation? Answer: They simply announced a death and it was Ibrahim's (...) Question: Do you know the name of any other person that might have been present when he died? Answer: As I said, this is something that's confidential (...) not even the people that participated ever find out anything about this. They don't divulge anything."

On being asked whether any member of his family had made any effort to recover Ibrahim's body, Ibrahim said no and then went on to state the following: "We try to obtain information but they kept saying that inasmuch as he was in the mountains and was attacked (...) and again, these are fairy tales (...) why was he attacked by a helicopter, there are no traces of his body, there's nothing there. A few times we were told that Israel still has his body and other times they said it was lost in the mountains, but we have no exact information as to where his body is." Abbas later stated as follows: "There have been approximately two exchanges of prisoners for bodies between Israel and Lebanon, and we are hopeful that my brother Ibrahim was one of the bodies that was exchanged, you know, when an interchange of about 150 bodies was realized and we didn't see him and then another interchange was realized and we didn't see him either."

However, these expectations omit a key fact, namely that the Israeli Ministry of Justice (p. 109.603/109.606) has stated that "one Israeli soldier died and another was injured" in the incident, and that "based on the information we have, it is supposed that Hezbollah conveyed the impression

that Ibrahim Berro died on the [ ][87] road (...) so as to cover up their involvement in the AMIA attack of July 1994 (...)" – all of which are reasons why hoping for the return of a body that Israel states is nonexistent would appear to be illogical.

In conclusion, it is clear that the attitude adopted by the Berros is not the hope of a family that has lost a son in circumstances that have not been adequately explained and whose body has not been returned to them.

The Berros' lack of interest in obtaining further information, and their apparently passive acceptance of Hezbollah's version of the story in the context of a family that does not appear to be divided, is solely attributable to the absence of any need to know, supported by an unshakable certainty concerning the circumstances surrounding Ibrahim's death, communicated and reinforced by Hassan Nasrallah's speech in which he stated that Ibrahim's suicide bombing was realized to further the cause of the organization.

Against this backdrop, the family's statements concerning the impossibility of recovering Ibrahim's body appear to be an initial note of discord that parts company with Hezbollah's official version, since according to information from Israeli authorities, the operation in which Ibrahim Berro is alleged to have died consisted in an attack on Israeli soldiers that involved no suicide bombing of any kind and resulted in casualties for the Israeli side. Moreover, the operation involved an attack in which no combat occurred, and is devoid of any factor indicating that the

[87] Translator's note: Meant here apparently, but omitted by the ellipse, is the Tallusa-Markaba road (this occurs in a later passage in the same context).

Hezbollah forces encountered any problem that might have prevented them from recovering the bodies of their purported causalities, of which there were none in any case, as has been stated.

The Israeli Ministry of Justice's report on the incident is instructive (p. 109.603/109.606), since it confines itself to indicating that "missiles were fired at tanks and mortar shells were fired at an Israeli military convoy" and that "during this attack, mortars were fired at an Israeli army position," with the sole result that "one Israeli soldier was killed and another injured." The report concludes by saying that "Hezbollah claimed responsibility for the attack."

The foregoing clearly shows (above and beyond what has already been proven) that Hezbollah's description of the incident does not square with the facts; and that Ibrahim Berro was not present during the incident and did not participate in it. Moreover, no similar incidents or operations were reported during this period involving any suicide bombing in which the body could not be identified.

A passage from Hassan Berro's testimony is also relevant in this regard. On being asked whether, during Ibrahim Berro's funeral, Hassan Nasrallah had congratulated the Berro family for having "done a good deed," Hassan responded that "He congratulated my mother and father." The fact that the congratulations were extended owing to an action is inconsistent with Ibrahim Berro's purported death during a bombardment by Israeli forces, which would presuppose an extremely passive stance.

Consequently, if we add to the foregoing the fact that during the funeral of Hussein Mohammed Berro, Hassan Nasrallah himself ascribed the death of Ibrahim Berro and his brother Assad to their

having been suicide bombers, it becomes eminently clear that all of the objective and subjective data that has been collected on Ibrahim Berro's death is completely incompatible with Hezbollah's narrative of this event.

All cover-ups and falsifications of the type that Hezbollah has realized in connection with Ibrahim Berro's death sooner or later reveal weaknesses that allow the truth to be determined.

This also shows that the operation was realized by Hezbollah and that it was driven by both religious and political necessity – religious, since the use of suicides, at least on foreign soil, violates the clearly stated tenets of Islam, leading Hezbollah to cover up acts it commits that breach such principles; and political in that during this period Hezbollah was a political party that was active in the Lebanese arena and through parliamentary representation, a project whose aims were not furthered by involvement in operations such as the AMIA attack.

In this regard, Abolghasem Mesbahi testified that in order to cover up the death of the suicide bomber used in the AMIA attack, Hezbollah might have conveyed the impression that this suicide bomber died in a different operation, and then explained that the 1994 suicide bombing constituted a standard Hezbollah policy (p. 3.448/3.461 (reverse) of file 204).

In this particular case, the remainder of the information provided by the report from the Israeli Ministry of Justice is also relevant. It states as follows: "On 9 September 1994, Hezbollah ('Islamic Resistance') issued a communiqué concerning the death of one of its members on the Tallusa-Markaba road. The name indicated in the communiqué was Ibrahim Berro. On the basis of

information we have, it is supposed that Hezbollah conveyed the impression that Ibrahim Berro died on the [ ][88] road (...) so as to cover up their involvement in the AMIA attack of July 1994 (...)"

Clearly, this "official version" constitutes yet another element proving that Hezbollah was involved in the AMIA attack, not only because the organization disseminated false information, but also because its response in this instance is reflective of its classic modus operandi.

We shall now discuss the comparative investigation and the photographic identification that were realized in connection with the case, both of which elements clearly indicate that Ibrahim Berro was involved in the AMIA attack.

The court ordered on 20 July 2005 that a comparative investigation be realized of the identikit elaborated by the witness Nicolasa Romero and the photographs of Ibrahim Berro provided by his brothers (p. 119.306). This investigation was then carried out by the *División Individualización Criminal de la Policía Federal Argentina* [Forensic identification division of the Argentine federal police].

The investigation was realized in order to determine whether the two photos submitted by the Berro brothers were of Ibrahim Berro and matched the identikit realized 72 hours after the attack by witness Nicolasa Romero. The results of this investigation appear to indicate that the two photos were of Ibrahim Berro and that they do match the aforementioned identikit.

The following elements were used in the investigation: (a) a photo of Ibrahim Berro in a natural setting; (b) a photo of Ibrahim Berro in which he is standing in front of grillwork; (c) an

[88] Translator's note: Previous note applies.

enlargement of the photo referred to in (b); and (d) an identikit realized on the basis of the statements by witness Nicolasa Romero.

Concerning the provenance of the photographs, reports have appeared in the press indicating that the photographs were not supplied by the Berro brothers, and that at least one of them is not a photo of Ibrahim Berro. However, these reports are completely unfounded, as will be shown here.

Agustine Rodriguez (attache at the U.S. embassy in Argentina) testified that toward the end of the aforementioned 26 April 2005 interview, "...and when he talked about Ibrahim Berro, the deponent asked the younger of the two brothers, Abbas, if he had pictures.

His brother responded that he had two photos of their brother Ibrahim, which were then shown to all persons who were at the meeting." Rodríguez further stated that the Detroit FBI agents took the photos with them to make copies, and promised to "return the originals to the Berro brothers, which they did" (p. 119.302/119.305).

FBI agent Mark R. Green confirmed that the photos of Ibrahim Berro were provided by members of Berro's family (p. 120.106/120.115).

This was further confirmed by the Berro brothers' statements.

The following passage from Hassan Berro's testimony is also revealing in this regard: "Question: I'd now like to show you a photograph. I'll put a sticker on it to identify it as exhibit no. 2 and then I'll show it to you. (...) Can you tell me who this is? Answer: This is my brother. Question: Which of your brothers? Answer: Ibrahim. Question: Are these both pictures of Ibrahim? Answer: Yes,

this is my brother. (...) Question: Are these the photos that you and your brother gave the FBI in April? Answer: Yes. They asked me if I had a picture of my brother and I said that I did. Question: These are the photos that you gave them. I see in your testimony that you say that you and your brother submitted two of the pictures of Ibrahim so that they could be copied and returned. Are these the two photographs ? Answer: Yes I think so. Question: May I ask you now, if you don't mind, to sign the back of this photo, simply to substantiate what you just said...that your brother Ibrahim is the person in the photos you provided? Answer: Sure.

Where should I sign? Question: Yes. Thanks very much. Could you indicate the date next to your signature? Today is September 15th. Answer: Fine."

The following exchange then ensued in the testimony of Abbas Berro: "Question: (...) I have here an item that was identified as exhibit 2. First of all, could you tell me what this is? Answer: It's my brother Ibrahim. I imagine he was around 16 in this picture. Yes, 16 or 17. This picture was probably taken in front of his friend's house or something like that (...) And as for this picture, I'd say he was 19 or 20. This might have been taken at one of Lebanon's most famous tourist locations. We have a river there (...) Question: Are these the photographs you gave Agent Green of the FBI? Answer: Yes. Question: If you could turn it over and look at the back. I see something written here, including the name of Ibrahim Berro in printed letters. Did you write this? Question: Yes. Question: Today? Answer: Yes. Question: Did you also sign the photograph? Answer: Yes. Question: Would you mind writing today's date here? Answer: September 16th. Question: And look down here, do you recognize this as being the signature of your brother Hassan? Answer:

Sure. Question: And do you see that the date written here is September 15, 2005? Answer: Yes, that's for sure."

These quotes are conclusive in connection with two matters. First, the brothers freely acknowledged that they had handed over the photographs during their meeting with FBI agents and representatives of the Secretariat of Intelligence. And secondly, during their testimony, each of the brothers confirmed that they had done this and that the photos were authentic. Moreover, Abbas Berro wrote the name of Ibrahim Berro on the back of one picture in his own hand.

The results of the three comparisons realized in the expert's report can be found at p. 119.326/119.342.

The first of the comparisons concludes, on the basis of the similarities between the photograph designated as letter C and the identikit designated as letter D, "that the two images could be of the same person." The second comparison found "various points of similarity between the photograph designated as letter A and the identikit designated as letter D." The third comparison stated that "various points of similarity between photograph A and photograph B were observed, including the droop of the right eye."[89]

In the first comparison, the expert observed similarities in the eyebrows, eyes, nose, lips and the shape of the face. Concerning the eyebrows, the report states as follows: "In image C, the left eyebrow (as you look at it) describes, in its totality, a straight line with an uneven trajectory and generally abundant hairiness, diminishing toward the root sector (internal extreme closest to the

[89] Translator's note: The Spanish term used here could also mean that one eye was slightly lower than the other.

nose). As for the right eyebrow (likewise as you look at it), it exhibits abundant pilosity along its entire trajectory, beginning with an oblique ascending line and then descending from its midpoint to the end. In the Photofit, both eyebrows are similar to the previous description." The report states the following with respect to the eyes: "In both images, the distance between the lower line of the eyebrow and the edge of the upper eyebrow is similar." The report states as follows with respect to the facial expression that is reflected by the Photofit: "This is definitely an empty look, lacking in expression, as was indicated by the witness in her statement of 22 July 1994" in which she said that it was "an unseeing look". The report also says that "undoubtedly this impression on the part of the witness was transferred to the Photofit that was realized.

This same trait is being reported in the present report, since the same expression was observed in image C."

In the second comparison, the similarities concerned the hairline, eyebrows and eyes, as well as the contour of the face. Concerning the eyebrows, the report states as follows: "In image A, the right eyebrow (as you look at it) describes, in its totality, a straight line with an uneven trajectory and generally abundant hairiness, diminishing at the root sector (internal extreme closest to the nose). As for the right eyebrow (again, as you look at it), its hairiness is abundant throughout its trajectory, which also describes a curve. In the Photofit, the left eyebrow (as you look it) describes a similar form. As for the opposite eyebrow, it does not exhibit the same form, but does exhibit the same hairiness."

The third comparison points out that "the droop of the right eye (as you look at the images) is similar in both photographs. This type of similarity is rarely observed in comparisons between doubtful and non-doubtful material in the same investigation."

It should be noted, as pointed out previously, that similarities were observed for all of the facial features analyzed, and that none were found to be dissimilar. This is significant, since it shows that there are no doubts or dissimilarities concerning the conclusions that were reached.

In addition, irrespective of the conclusions that the experts reached, they stated that the following fundamental factors should be taken into account in analyzing the report:

1) The limitations that were imposed on the construction of composite pictures of suspects in 1994.

2) The difficulty of comparing an objective element (photograph) and a subjective one (identikit), the latter being completely based on the recollections of an individual who, according to her own testimony, only saw the man for one or two seconds.

3) The pixelation of the photographs, which is more problematic because they are enlargements.

4) The differences in posture, distance and view of the man in the photographs.

5) The fact that the photographs were estimated to have been taken about five or six years apart.

However, the foregoing reservations render the similarities that were observed even more significant.

Needless to say, in some cases such comparisons do not lead to relevant findings. This is all the more the case with the studies under consideration here, since in 1994 identikit technology was not nearly as advanced as it is today. And then there is also the fact that the images that were compared were taken at different times and in different settings, and that two different types of images were compared, namely a photograph and an identikit image.

Given these circumstances, it may well be that the facial features of the individual in the images are dissimilar, particularly in view of the stress that Berro must have been under when the witness Romero caught a glimpse of Ibrahim Berro, who at the moment of being sighted, was a few meters from his target and a matter of seconds away from death. This circumstance could have hardened his features, with the result that Romero perhaps did not see Berro's usual look.

Consequently, the conclusion reached concerning the identity of the individual in the images that were analyzed, and particularly the similarities that were observed in the eyes, nose, shape of the face, hairline and eyebrows, are all the more revealing and greatly strengthen the conclusion that the individuals in the photographs and the identikit were one and the same person: Ibrahim Berro.

Cognate with this analysis is the positive photographic identification by María Nicolasa Romero (p. 119.321/119.324), who was shown photographs of the following individuals in two sets: set A:

1) Hamid Reza Mehraban, 2) Ibrahim Berro, 3) Javan Mardi and 4) Mehdí Bizari; set B) - 1) Esmail Moulaee, 2) Ibrahim Berro, 3) Valizadeh Pilerood and 4) Mohammed Rez Nazarzadeh.

Romero stated as follows, after expressing initial doubts and being shown the identikit: "...indicating photo number two from the second set of photographs (...) the witness stated that "he was a guy like this, with this build and bushy eyebrows. I see a facial resemblance. He had bushy eyebrows. The facial structure is similar (...) She indicated that she person that she saw did not have a mustache like the one in the photo she was shown..."

This positive identification lends coherence to the investigation, despite the time that has elapsed and the fact that Romero only caught a brief glimpse of the suicide bomber.

The following undeniable facts should also be borne in mind in this regard: (a) Nicolasa Romero was the only person who saw the driver of the Renault Trafic van seconds before he blew himself

up; and (b) the identikit was realized only 72 hours after the attack.

This temporal proximity is a decisive and determining factor, since it demonstrates that the images remained fresh on the witness's retinas and thus were transferred to the identikit image, which can thus be regarded as an accurate reflection of the bomber's face.

Relevant and illustrative in this regard as an adjunct to Romero's statements cited above is her first testimony (on 21 July 1994; p. 149/150 (reverse)), at which time she stated as follows: On 18 July 1994 she left home with her son and sister just before 10 a.m. to take her son to kindergarten. This involved walking 50 meters to Pasteur and then walking down Pasteur to Tucuman, which

took her past the AMIA building. When she arrived at the intersection of Tucuman and Pasteur, she stepped off the curb, whereupon she saw a Trafic van driving down Tucuman with the intention of turning down Pasteur toward Viamonte. The van was moving very quickly and then started to turn very close to the curb, forcing her to step back onto the sidewalk. This slow movement allowed her to get a long look at the vehicle and its sole occupant, whose eyes she looked at intently. She described him as being 30 at the most, without a mustache, beard or glasses, dark complexion, very dark eyes, very dark skin, short, wearing something beige that was closed at the neck. When they looked intently at each other she didn't get any particular impression except that he "he looked at her without looking at her." She then said that "she would definitely recognize his face if she saw him again in person, or in a photograph, or even in an identikit that was similar to his face..."

Romero's testimony before the *Tribunal Oral en lo Criminal Federal no 3* in Buenos Aires was similar.

The extent to which, in prounouncing sentence, the aforementioned court completely validated Romero's testimony is of interest owning to its evidentiary relevance.

The judges indicated that none of the circumstances alleged by the defense called into question the veracity of Romero's testimony in that she had a good reason for being at that particular location shortly before the explosion, and that her sister Adelina (as was confirmed by the witness Rodolfo Caballero) fully corroborated what had occurred while she was standing next to Romero.

The judges also pointed out that "each time the witness was called, she gave the same testimony that she had given the first time concerning the appearance, shortly before the explosion, of a van that was driving down Tucuman and then turned right into calle Pasteur."

The veracity attributed to Romero's testimony by the judges, combined with the results of the expert's report and the positive photographic recognition, conclusively validate the fact that Ibrahim Berro was identified as the suicide bomber.

The *Tribunal Oral* judges accepted as proven that a Trafic van carrying a load of explosives that were detonated in front of the AMIA building.

In reaching this conclusion, the judges paid particular attention to Nicolasa Romero's testimony, which they deemed true.

Based on this premise, we contend that the identikit that was realized on the basis of Romero's description is an accurate depiction of the face of the person that drove the Trafic van.

In addition, two photographs of the individual in question were obtained which were identified (in the manner described above) as being the suicide bomber in the AMIA attack.

Following this line of reasoning leads to the self-evident conclusion that the comparison of the two elements and the witness's examination of the photographs are crucial elements in terms of the AMIA bomber's identity.

Hence, the results obtained from the experts' comparisons and the positive photographic identification of Ibrahim Berro indicate the following: Ibrahim Berro was the person that Nicolasa

Romero saw at the wheel of the Trafic van that the *Tribunal Oral en lo Criminal Federal no. 3* of Buenos Aires determined was the vehicle that drove toward the building located at calle Pasteur 633 in Buenos Aires (which housed the offices of the Asociación Mutual Israelita Argentina (AMIA) and the Delegación de Asociaciones Israelita Argentinas (DALA)) and whose load of explosives was detonated in front of said building after the vehicle was driven up on the sidewalk.

Following is a brief summary of everything that has been said up to this point in the present section:

1) Ibrahim Berro was a Hezbollah operative.

2) The initial concrete and relevant information in the case concerning Berro is derived from a 9 October 2001 meeting in Montevideo, Uruguay between representatives of the Secretariat of Intelligence, the FBI and a source whose identity is secret, although the Secretariat of Intelligence had had information since 1995 indicating this as well.

3) The *Informe Internacional*, which was issued on 21 January 2003 by the Secretariat of Intelligence indicated that Ibrahim Berro was the suicide bomber in the AMIA attack.

4) There are strong indications that Ibrahim Berro entered Argentina in the company of three other members of Hezbollah, having previously spent time in the Triple Border area, thus obviating the necessity of passing through immigration control.

5) Two of Ibrahim Berro's brothers, Mohamed and Assad, died in Hezbollah operations; Assad was a suicide bomber.

6) As had happened with Assad, Ibrahim's body was not found, thus clearly indicating that both men were suicide bombers.

7) The foregoing is also supported by Hassan Nasrallah's 17 June 1994 statement to the effect that "There are 1000 suicide commandos ready to confront Israel throughout the world".

8) Suggestive as well is the Berro family's lack of effort to recover Ibrahim's body and obtain further information about what happened to him, a circumstance that can only be attributable to absence of any need to know, supported by an unshakable certainty concerning the circumstances surrounding Ibrahim's death, conveyed and reinforced by Hassan Nasrallah's speech in which he stated that Ibrahim's suicide bombing was realized to further the cause of the organization.

9) Abbas Berro indicated during the 26 April 2005 meeting, and subsequently in his testimony, that Ibrahim Berro was often away from home for periods of "two to three months," and that in the months leading up to his death he had been away "for a fairly lengthy period." Abbas Berro also stated that he was "accustomed to his [Ibrahim's] absences." The foregoing circumstances indicate that Ibrahim had been absent from home during a period extending approximately from early June to early July 1994. In other words, this shows that Ibrahim Berro was not living at home at the time of the AMIA attack.

10) It has been proven that the operation in southern Lebanon that Hezbollah claims took the life of Ibrahim Berro did not occur the way Hezbollah says it did. The Israeli Ministry of Justice stated in this regard that "missiles were fired at tanks and mortar shells were fired at an Israeli military convoy" and that "during this attack, mortars were fired at an Israeli army position," with the sole result that "one Israeli soldier was killed and another injured."

11) It has also been proven that Ibrahim Berro was not present during the incident and did not participate in it. Moreover, no similar incidents or operations were reported during this period involving any suicide bombing in which the body could not be identified

12) The sole purpose of Hezbollah's 8 September 1994 communiqué concerning Ibrahim Berro's death was to cover up this situation, which was a common practice of the organization and is indisputable corroboration of the aforementioned information provided by the Israeli Ministry of Justice. Clearly, this "official version," which even raised doubts in the minds of Ibrahim Berro's immediate family, constitutes yet another element proving that Hezbollah was involved in the AMIA attack, not only because the organization disseminated false information, but also because its response in this instance is reflective of its classic modus operandi.

13) The presence of senior Hezbollah officials including Hassan Nasrallah and Naim Kassem at the funerals of various members of the Berro family (Assad, Ibrahim Hussein, Mohammed, and Hussein Mohamed), all of which events were sponsored by Hezbollah, clearly suggests that Ibrahim Berro was involved in the AMIA attack.

14) The presence of so many high level officials was the result of an extraordinary situation, which is reflected by Hassan Nasrallah's reference in his speech to the existence of two suicide bombers who sacrificed their lives for the cause of the organization, whereby Nasrallah was referring to Assad (who had been killed on 8 August 1989 north of the city of Qlei'a Lebanon when he drove a car bomb into an Israeli military convoy that was on its way to the village of Kile-Tel

Nahs), Ibrahim Hussein, who died in the AMIA attack on 18 July 1994; as well as the existence of a third son, "who died on 18 December 1995 in an incident in one of the organizations, according to a response from the office of documentation (...) in unclear circumstances involving a hunting rifle" There is no other possible explanation for Hassan Nasrallah's statements on this point.

15) The results obtained from the expert's report involving a comparison of, on one hand, the two photographs of Ibrahim Berro that were provided by his brother Abbas and Hassan Berro, and on the other, the identikit that was realized 72 hours following the AMIA attack on the basis of witness Nicolasa Romero's description – particularly the similarities that were observed in the eyes, nose, shape of the face, hairline and eyebrows – combined with the positive photographic identification by said witness, prove beyond a reasonable doubt that Ibrahim Berro was the suicide bomber in the AMIA attack.

Hence, over the course of the investigation, an account by a reliable witness that initially appeared to be a straightforward version of what the witness saw, became a certainty of major significance for the remainder of the elements in the case.

i) The claim of responsibility realized following the AMIA attack

An article in the 23 July 1994 edition of the Lebanese newspaper *An-Nahar* concerning the newspaper's investigation of the AMIA attack mentioned the existence of a communiqué that had been distributed concurrently in the cities of Sidon and Beirut and that was signed by a group calling itself Ansar Allah. The official translation of this article indicates that Ansar Allah had issued a mimeographed communiqué claiming responsibility for the AMIA attack as well as the bombing, the following day, of a Panamanian Alas Chircanas flight, two of whose passengers were later identified as Israeli businessmen.

The communiqué stated that "The forces of faith have formed suicide groups of martyrs in accordance with the reality in which it lives and which has impregnated weak minds. This group has commenced a struggle for Islamic and Arab dignity by carrying out a universal struggle and vowing to combat Zionism and confront it everywhere in the world. The two operations in Argentina and Panama are the best example of this confrontation of Zionism everywhere in the world, thus sowing confusion among its ranks. At the head of this confrontation stands the Zionist capital, which is the international artery of the Zionist economy and the catastrophic group constituted by the Jewish religion, which confuses the peoples of the world. Oh masses of our Arab and Islamic nation! What has happened in Argentina and Panama is just a beginning and will continue for as long as Zionism exists until it has been eliminated and justice reigns in the world and Islam is practiced everywhere. What is happening in the world in general and in the occupied territories in particular by the hands of the children of stones, supported by the honorable men of the world, the Islamic fatherland, and by the Islamic resistance against the forces of evil and aggression; they are linking up organically with the Islamic, national and universal awakening. By the same token, we are committed to overthrowing all endeavors involving betrayal of the Islamic nation and capitulation that have been undertaken, and are currently fighting on both the Palestinian and Jordanian fronts side by side with their pillars which are Arafat the leader of the treacherous endeavors, as well as King Hussein of Jordan and handmaiden of Zionism and universal imperialism, and the Egyptian president, who benefits from this reality (...)" (27.530/27.533).

The existence of the aforementioned communiqué was corroborated by the proceedings that are documented at p. 114.976/114.993, in combination with the response to a rogatory letter that was sent to the prosecutor of the Lebanese court of appeals, reporting on the search of the *An Nahar* archives that was realized, which corroborated the content of the communiqué cited above.

In addition, cognate with the remaining elements that have been incorporated into the investigation of the AMIA attack, it can be concluded that "Ansar Allah" was a fiction, inasmuch as this is just one of the many fictitious names used by Hezbollah to claim responsibility for its attacks. Moreover, experience has shown that Hezbollah has habitually adopted this method for the clear purpose of avoiding blame for the various actions it has carried out, except for those realized in Lebanon where the conflict has taken the form of a conventional war.

One corroborating element of the aforementioned is constituted by the report from the Secretariat of Intelligence (p. 14.483/14.484), which states that the name Ansar Allah has been used by a number of extremist Islamic organizations to claim responsibility for terrorist attacks. These groups include Hezbollah, Islamic Jihad, Revolutionary Justice Organization, Organization of the Oppressed of the Earth, Islamic Jihad for the Liberation of Palestine, and Followers of the Prophet Mohammed.

Additional information in this regard was derived by statements made in our offices by FBI agent James Bernazzani, which lead to the conclusion that Hezbollah must be behind such names. Bernazzani also stated in this regard that "Ansar Allah is one of the names used by Islamic Jihad.

This group uses other names indiscriminately such as Organization of Revolutionary Justice, Movement of the Oppressed of the Earth, and Islamic Jihad for the Liberation of Palestine. All of these names belong to one and the same organization: Hezbollah" (p. 121.946/121.950).

The U.S. State Department's antiterrorism office reached the same conclusion in this regard, stating that Hezbollah recognizes the names of various terrorist organizations as alternative designations, including Ansar Allah, Islamic Jihad, Organization of Revolutionary Justice and so on. Concerning Hezbollah's characteristics, activities, external assistance, and locations, the aforementioned U.S. government agency indicates that Hezbollah has established cells in other parts of the world, including North America and Latin America (p. 2.523/2.539 of file 263).

The same conclusion can be drawn from the observations in this regard by the terrorism expert and author Magnus Ranstorp, who has observed that a myriad of different names has been attributed to the organizations that claim responsibility for the kidnapping of foreigners in Lebanon, a situation that sows confusion amongst government officials and academics when it comes to determining whether the group that carried out the kidnappings acted within the structure of Hezbollah semi-independently or totally independently.

However, Ranstorp points out that the Shiite tradition of concealment, which is practiced by a minority of its adherents (who suffered religious persecution in Antiquity), has often been used by Hezbollah when it carries out its actions from a position of concealment, and particularly in the case of the foreign hostages in Lebanon. Ranstorp has also stated that the use of various names during its operations enables Hezbollah and its leaders to protect itself from being hunted and against reprisals, and that cover names have been used not only to confuse the enemy but also as a

way to identify various currents within the movement at a specific point in time (op. cit., translation at p. 3.713/3.853 (reverse) of file 263).

Another expert who expressed his views on this matter was Ariel Merari,[90] who observed that Hezbollah is practically the only terrorist organization that has carried out suicide car bombings. Concerning the attribution of responsibility for the AMIA attack, Merari stated that the so called Ansar Allah movement took responsibility for the operation, and that this is a generic name for actions realized by Hezbollah (p. 778/914 of file 263).

The testimony of Abolghasem Mesbahi indicates much the same thing. Mesbahi testified that when taking responsibility for terrorist actions it has carried out, the Iranian government often uses a name that is similar to that of an existing group, as may be the case with Ansar Hizballah *[sic]*or Ansar-Ol-Allah *[sic]*.

In making this observation, Mesbahi associated this naming practice with possible international reprisals resulting from direct participation by the Iranian government, or in this case by Hezbollah, whereas there are signs in the local community itself (as demonstrated by the aforementioned communiqué taking responsibility for the AMIA attack) of Iran having played a role in the attack, which constitutes a kind of encoded message in the eyes of the rest of the world (p. 141 of file 204).

[90] A member of the panel of experts on terrorism that assembled in Argentina in September 1998

Concerning the reason why Hezbollah decided to publish the communiqué in *An-Nahar*, Mesbahi observed that this made sense since the editors of the newspaper knew which group responsibility for the attack had been attributed to, and thus enjoyed Hezbollah's trust.

Also relevant in this regard is an article from the 31 March 1992 edition of the aforementioned newspaper, which indicates that Hezbollah's leaders often used this publication to make libertarian statements or issue denials.

In this article, Hussein Al-Mawsaui (who was reputed to be a Hezbollah leader at the time) denied that Hezbollah had any ties with Islamic Jihad (which had claimed responsibility for the bombing of the Israeli embassy in Buenos Aires), although he also pointed out that in some situations the two organizations had the same objectives when it came to fighting against Israel (p. 17.046/17.047 (reverse) of the "Embassy" case).

An-Nahar also published an Islamic Jihad communiqué claiming responsibility for the bombing of the Israeli embassy in Buenos Aires on 17 March 1992 (p. 14.351 and 14.342bis/14.352 and cable 010056/92 sent by the Argentine embassy in Lebanon, p. 6.770/6.772 of the "Embassy" case).

Relevant here as well are statements made by Nahim Kasem (who became deputy secretary general of Hezbollah in 1994) in an interview with *Clarin* journalist Maria Laura Avignolo

in the "Segunda Sección" of the 28 August 1994 edition. This interview (apart from Kassem's denial of any Hezbollah involvement in the AMIA attack) clearly shows that Ansar Allah was a fiction. In response to the interviewer's statement to the effect that, according to Agence France Presse, Ansar Allah had claimed responsibility for the AMIA attack, Kassem stated that "Ansar

Allah is an organization that only exists in Agence France Press (...) I myself, as a political observer of the events in Lebanon, never pay any attention to the statements of Ansar Allah (...) this organization does not exist."

Hence the evidence in the case clearly shows that the name used to claim responsibility for the AMIA attack is that of a nonexistent organization, and is nothing more than a fictitious name used by Hezbollah to claim responsibility for its attacks; and as we have seen, in the aftermath of the AMIA bombing, Hezbollah used it in their usual manner, clearly with a view to avoiding being held responsible for the crime by means of any allegations that might be formulated in this regard.

IX. CONCLUSIONS

In this report, we have expressed the view – which is substantiated by the numerous pieces of evidence in the case as well as by the dictates of common sense – that the AMIA bombing of 18 July 1994 was carried out by the Lebanese terrorist organization Hezbollah at the behest of the highest authorities in the Iranian government, and with local assistance from Iranian diplomats who were accredited in Argentina. This fact does not rule out the possibility that other persons were involved in this criminal attack.

However, we wish to reiterate that the request that we are submitting to the Court today should not be taken to mean that all avenues of investigation have been exhausted in this case. Far from it. As was pointed out in the introductory section of this report, there are numerous aspects of the investigation that we are working on tirelessly in collaboration with other Argentine government agencies, and significant progress has been made in some of these areas. But these additional findings cannot be disclosed until certain ongoing procedures have been completed, so as to avoid jumping to conclusions that might well be erroneous or at best incomplete.

Hence, the findings presented herein do not mean that it would be inappropriate at this point to delve into and make public other findings in this case, which are substantiated by clusters of circumstances that prove the validity of these findings. And this is exactly what we have endeavored to accomplish in the present report, given (a) the necessity of seeking the capture of a group of individuals who are strongly suspected of having played a role in the AMIA attack; and (b) the fact that it has been clearly established that Hezbollah and then-officials of the Iranian government were directly responsible for the attack, having played an instrumental role in carrying it out.

In this regard, and in light of the unusual length of the present report, we feel it would be useful to conclude the report with a brief recapitulation of the most relevant circumstances that we have taken into account in reaching our conclusions concerning the AMIA attack.

Let us first examine the evidence indicating that Iran was involved in the AMIA attack.

* **The decision to carry out the operation**

One of the most important elements indicating that the highest authorities in the Iranian government were responsible for the AMIA attack is constituted by the statements of various persons (albeit with differing ideological affiliations) that have direct ties in one way or another with the Teheran regime, and whose testimony has enabled us to establish that the decision to carry out the attack was adopted on 14 August 1993 in Mashad, Iran at a meeting of the so called Committee for Special Operations, which at the time was composed of the Iranian regime's highest religious and political authorities.

* **The Iranian government's use of terrorism as an instrument of foreign policy**

Based on the substantial evidence that has been amassed in the case, including judicial rulings from various countries, reports from both Argentine and foreign governmental and non-governmental organizations, and testimony from qualified former officials of the Iranian government, as well as from a number of terrorism experts, we have established beyond a reasonable doubt that during the period leading up to the AMIA attack, the use of Iran's

governmental structures and state resources to commit crimes that can be characterized as acts of international terrorism was not an uncommon practice within the context of Iranian foreign policy, and was realized with a view to exporting Iran's radicalized view of Islam, and at the same time eliminate the regime's enemies.

* **The existence of a reason or motive**

We have also clearly established the existence of a motive with a direct antecedent which, according to perverse fundamentalist logic, provided Iranian government officials with a reason that "justified" an action with the characteristics of the AMIA bombing, and which was related to the unexpected decision by Argentina to cancel the nuclear technology transfer contracts that had been signed by Iran and Argentina. As previously pointed out, this decision was an impediment to Iran's strategy of developing its nuclear program.

* **The intelligence service in Argentina**

We have also proven that long before the AMIA attack, and within the framework of the aforementioned exportation of the Iranian revolution, the Iranian government had established in Argentina a clandestine intelligence and espionage infrastructure which, as the date of the attack grew nearer, was progressively and systematically strengthened. As pointed out earlier and for all of the reasons indicated previously, without the logistical and operational benefits afforded by the presence of said infrastructure, a terrorist action on the scale of the AMIA attack never could have been brought off successfully.

The foregoing is highly significant since among the evidence indicating that the Iranian government was ultimately responsible for the AMIA attack, the intelligence service it established in Argentina constitutes the strongest substantiation of this contention, inasmuch as it represented the greatest guarantee of the operation's success, constituting what Francois Gorphe has termed "circumstantial evidence of opportunity" comprising "the conditions in which the agent found himself and that he facilitated" the realization of the act (*Apreciación Judicial de las Pruebas*, Bogotá Ed. Temis, 1989, p. 239).

* **The unusual movement of diplomatic couriers**

We have also shown that on dates that are very suggestive owing to their proximity to the date of the attack, the amount of mail and the numbers of diplomatic functionaries being sent by the Iranian government to Argentina rose dramatically and out of all proportion to previous practice (as reflected by records that were examined during the investigation). This mail originated in various parts of the globe such as Germany, Iran, Brazil, Chile and Uruguay, the latter also being completely atypical relative to previous periods.

Our investigation also revealed that, according to documentation from the Argentine embassy, at this period there was no reason, circumstance or event that could have justified such a flood of diplomatic mail. All of this, when analyzed in light of the other evidence in the files, led us to infer that the operations of this nature that were detected, whether they were meant to be a smokescreen, or whether they served to transport sensitive information and/or materials, or perhaps both, were a direct outgrowth of the preparations that were being made for the AMIA attack.

* **The opportune change in the handling of diplomatic mail at the Iranian embassy in Argentina**

Cognate with the previous item (although this factor could easily go unnoticed) is the following sudden change in the manner in which diplomatic mail was handled at the Iranian embassy in Argentina: after the arrival of Ambassador Soleimanpour and Third Secretary Asghari in Argentina in June 1991 (i.e. prior to the two terrorist attacks in Buenos Aires), diplomatic mail was carried not by diplomatic pouch but by actual persons.

* **The suspicious increase in funds that Rabbani was handling in the months leading up to the AMIA attack**

One of the elements in the case that raises the most suspicions is the substantial sums of money that had been deposited in the various accounts held in Argentina by the Argentine embassy's cultural attache Mohsen Rabbani in the period leading up to the attack. Deposits in these accounts increased substantially during the first six months of 1994, compared to the same periods in the two prior years. Added to this is the circumstance that on returning to Argentina from Iran (whence he had been summoned to attend the meeting at which the decision was made to carry out the AMIA attack) Rabbani opened an account at Deutsche Bank to which approximately 150,000 U.S. dollars were transferred from abroad in March and April of 1994.

* **The fact that Rabbani shopped around for a van similar to that used as a car bomb in the AMIA attack**

Another element of proof that seriously implicates the individual that all witnesses in the case concurred in designating as the highest ranked representative of the Iranian government in Argentina is constituted by photographs that were submitted by the Secretariat of Intelligence, as well as the testimony of various witnesses, proving that prior to the AMIA attack Rabbani (who was then sheik of the At-Tauhid mosque) made inquiries at various Buenos Aires car dealers concerning the purchase of a van that was identical or similar to the one that was used as a car bomb in the AMIA attack several months later.

* **The call made by Rabbani from the environs of the Jet Parking parking lot**

It has also been established that a few minutes after the car bomb was successfully parked in a parking lot near AMIA, Mohsen Rabbani called the At-Tauhid mosque from his cell phone. Based on the antenna that was activated when this call was made, Rabbani was located in a spot that was in close proximity to the aforementioned parking lot.

Moreover, an analysis of the phone records in the case files shows that one hour after Rabbani's call was placed, another call was made from a pay phone near the At-Tauhid mosque to a cell phone that belonged to the person who, from the city of Foz de Iguazu in the so called Triple Border area zone, had coordinated the activities of the group of operatives in Buenos Aires.

All of these circumstances make it reasonable to infer that Mohsen Rabbani was present during one of the key phases of the AMIA operation, and that he monitored the plan's progress and reported on its success to other members of the group that carried out the operation.

* **The opportune granting of diplomatic status to Rabbani**

Another circumstance that dispels any doubts that might exist concerning the participation of Rabbani and Iran's top officials in the AMIA attack is that Rabbani was granted diplomatic status by being designated cultural attache of the Iranian embassy in Argentina only four months prior to the AMIA attack.

This circumstance is all the more telling in light of the fact that Rabbani had been in Argentina since 1983, which in conjunction with the other factors mentioned in this regard, clearly reveals that Rabbani was given this job in order to protect him against any allegations to which he might be subject owing to his participation in the AMIA attack.

* **Ahmad Asghari's abrupt departure from Argentina**

A no less suggestive circumstance is the abrupt departure from Argentina of the influential Third Secretary of the Iranian embassy and former member of Pasdaran, Ahmad Reza Asghari, who according to the evidence in the case, also attended the 14 August 1993 meeting in Mashad of the Committee for Special Operations.

Hence, in light of the constellation of circumstances that we have just enumerated, in our view there is no other more plausible explanation, other than the one we have indicated, for the fact that Asghari – who was originally scheduled to leave Argentina in October 1994 – to have left totally unexpectedly on 8 July of that year, i.e. exactly ten days prior to the AMIA bombing.

* **The opportune departure of Iranian ambassadors from neighboring countries**

In view of the circumstances described above, it is not in the least surprising that 18 days prior to the AMIA attack, at which time the operation had entered its final phase, Iran's ambassador to Argentina Hadi Soleimanpour, left Argentina for Miami, returning to Argentina shortly after the AMIA attack. In other words, when the bomb exploded at AMIA, the highest ranking Iranian official in Argentina was out of the country, as were the Iranian ambassadors to Chile and Uruguay, who both took the same flight to Frankfurt on the day before the attack, i.e. 17 July.

When one considers this event in the light of all of the other aforementioned factors, it is in our view plain to see that we are in the presence of yet another maneuver on the part of the Iranian government to prevent its officials – and by extension the Iranian government itself – from being implicated in the attack.

* **Iran's attitude following the attack**

The attitude of the Iranian government following the AMIA attack likewise comes as no surprise in light of the circumstances that have been described thus far. We are not referring a mere

uncooperativeness on the part of the Iranian government, or a lack of interest in responding to the various rogatory letters that were submitted by Argentina, notwithstanding the highflown official statements indicating the Iranian government's willingness to cooperate with the investigation into the AMIA attack. And it isn't only that these statements were not backed up with concrete actions, but rather the fact that the Iranian government (with which Argentina has not signed a treaty of international judicial cooperation for criminal cases) has refused to receive various requests for judicial assistance via rogatory letters that were sent in connection with the AMIA case. But on other occasions Iranian authorities were far more proactive – for example when they tried to discredit witnesses whose testimony implicated the Iranian government in the AMIA attack in one way or another.

This attitude was brought to new heights by the singular proposal recently made by Iranian officials via a diplomatic non-paper that was submitted to the Argentine Foreign Ministry in which Iran offered to cooperate in any way necessary – but with one extremely peculiar proviso, namely that in exchange, Argentina must promise not to bring any legal action of any kind against any Iranian national.

This proposal, which was stated in the clearest possible terms, speaks for itself and requires no further comment.

As has been pointed out a number of times in the present document, the heads of the Iranian Special Affairs Committee used Hezbollah – a Shiite Lebanese organization that has historically been subordinated to the interests of the Iranian government – to carry out the terrorist bombing of AMIA, which was given the go-ahead on August 14, 1993.

We shall now recapitulate the evidence in the case demonstrating that Hezbollah participated in the AMIA attack.

* **Modus operandi**

Carrying out attacks using a car bomb loaded with explosives that are triggered by the vehicle's suicide bomber-driver is the first factor that suggests that Hezbollah was responsible for the attack. In fact, and as one of the experts on international terrorism that testified during the court proceedings put it, this spectacular method is a veritable Hezbollah "trademark," a fact demonstrated by the large number of similar operations (enumerated in our report) that Hezbollah realized in Lebanon in the 1980s and the early 1990s.

* **The attack on the Israeli Embassy in Buenos Aires**

In a decision handed down on 23 December 1999, the Argentine Supreme Court stated that the 17 March 1992 attack on the Israeli embassy in Buenos Aires was the work of Islamic Jihad, which the Court accused of being the "armed wing" of Hezbollah.

Hence, the striking parallels between the two attacks (although one could justifiably characterize the two events as genuinely having identical elements in common: the same location, the same type of target, and the same modus operandi), in conjunction with the relatively brief time between the attacks (all of which was described above) are additional elements that clearly support our contention that both attacks were orchestrated by the same terrorist organization.

* **Claiming responsibility**

Five days after the AMIA attack, a group calling itself Ansar Allah published a communiqué in the Lebanese daily *An Nahar* claiming responsibility for the AMIA attack, as well as for the previous bombing of an Alas Chiricanas airliner over Panama.

This was the same procedure that Islamic Jihad had used two years previously to claim responsibility for the attack on the Israeli embassy in Buenos Aires (identical method, including publication of a communiqué in the same newspaper). The documents and testimony obtained from the files (including periodic declarations made by the deputy secretary general of Hezbollah and number two man in the organization Nahim Kaseem) demonstrate that Ansar Allah does not exist and that it is merely one of the fictitious names used by Hezbollah to claim responsibility for this type of attack in a manner that at the same time enables the organization to evade direct blame for its crimes.

* **The suicide bomber**

It has been conclusively established that on July 18, 1994 the Lebanese national and Hezbollah member Ibrahim Berro was driving the Renault Trafic van that exploded in front of AMIA, killing Mr. Berro. We will not describe here, one by one, the elements in the chain of evidence that proves the aforementioned facts, since this has already been done in a dedicated section of our report. However, it is important to stress once again that Ibrahim Berro's militancy as an active member of Hezbollah is a fact that was acknowledged by his brothers, and by Hezbollah itself.

Thus, there can be no doubt about this, as is also the case with Israeli government reports stating that no Lebanese soldier died in the purported incident that Hezbollah claims Berro lost his life in – not to mention the fact that Berro's body was never found, despite his having allegedly died in a conventional military clash.

* **Moughnieh**:

As has already been mentioned, testimony from various witnesses proves that Imad Fayez Moughnieh, a known terrorist and former head of Hezbollah's External Service, was in charge of the planning and coordination of the operational phase of the AMIA attack. Needless to say, this fact is yet another clear indication that Hezbollah was responsible for the bombing.

* **The kidnapping of Moustapha Dirani and the bombardment of a Hezbollah training camp in the Bekaa valley**

Both of these events were undoubtedly severe blows for Hezbollah, and in our view should not be marginalized in the global analysis of the circumstances surrounding the AMIA attack, since otherwise we run the risk of improperly fragmenting a holistic reality that was dynamic and integral in the period in which it occurred.

Although (as we saw in the relevant section of the report) the main motive for the AMIA attack stemmed from issues that directly affected the interests of the Iranian government, it is also indubitably the case that from the standpoint of the group that carried out the attack – i.e. Hezbollah

– the kidnapping of one of its most important leaders and the bombardment several days later of one of its main military training facilities in the Kawkaba district, provided a perfect pretext for realization of an action such as the one that was perpetrated against AMIA.

* **Public statements by Hezbollah leaders**

It would make no sense to refrain from examining the public statements made by Hezbollah leaders prior to the attack as possible indicators of the organization's responsibility for it; in any case, these statements to some extent foreshadowed the operation, particularly its modus operandi.

With regard to the foregoing, which Francois Gorphe terms "evidence of manifestations prior to the crime" (op. cit. p. 239), two statements are particularly noteworthy, coming as they did from the highest levels of the Hezbollah hierarchy – particularly in view of the macabre nature of the first statement and the forcefulness of the second.

The first statement, which is attributed to Hezbollah's spiritual leader Mohamed Hussein Fadlallah, was made after the aforementioned kidnapping of Dirani: "The resistance – supported by the Shiite clergy – has a lot of oxygen. The enemy has said that they have a long reach but when Abbas Moussawi was assassinated, the Islamic fighters proved that they can reach all the way to Argentina. The battlefront has spread throughout the world, and the battle is unfolding as time goes on."

Hezbollah secretary general Hassan Nasrallah made the following less elliptical, but similarly prophetic statement only one month before the attack: "A thousand suicide commandos are preparing to confront Israel all over the world."

In view of the scope of the tragedy that befell AMIA a mere 32 days later, and the remainder of the evidence in this case, it would be absurd to suppose that this terrible threat was pure happenstance.

* **Phone calls**

The aforementioned evidence is bolstered by records of phone calls that were made by members of the operational group that carried out the AMIA attack between 10.53 a.m. on 1 July and 7.41 a.m. on 19 July 1994 to the following parties: (a) subscribers in Lebanon that the Argentine Secretariat of Intelligence suspected of having ties with Hezbollah; (b) phone numbers in the so called Triple Border area (which according to testimony by experts, at the time of the AMIA attack was a Shiite stronghold in southern Latin America) belonging to the party that was in charge of coordinating said group; and (c) other phone numbers, which according to the Secretariat of Intelligence, were attributed to persons that likewise had ties to Hezbollah.

All of these facts and circumstances constitute yet another confirmation (based on concrete elements) of the numerous instances of testimony in the case from experts on international terrorism, all of whom agreed, from the outset of the investigation, that Hezbollah was behind the AMIA attack.

Moreover, the aforementioned testimony also clearly indicates that Hezbollah – an organization that was created and is supported militarily and economically by the government of Iran – does not carry out foreign terrorist acts (or at any rate was not doing so during the period in which the attack

occurred) on its own initiative, but instead does so in response to instructions that are issued by the Tehran regime directly to the Hezbollah leadership.

And this is in fact exactly what happened in the AMIA attack, as has been proven by the evidence in the case (which we have just summarized: Tehran and Hezbollah were the two sole actors in the bombing, and whose actions were orchestrated like clockwork within the framework of Hezbollah's subordinate relationship with Tehran that was described by the experts on terrorism).

And thus we have come to end of this report. We would like to reiterate that the conclusions presented here to the Court are the logical outgrowth of a detailed analysis of all of the evidence that has been amassed in the AMIA case. As can be seen from the recapitulation in this final section, in some cases the conclusions we have reached result from direct evidence requiring no logical deduction, whereas in other case these conclusions stem from a long series of suppositions and elements of circumstantial evidence whose seriousness, precision and concurrence with the remainder of the evidence in the case make a valid contribution to strengthening the hypothesis that we have submitted for the Court's consideration, which is as follows: the upper echelons of the Iranian government, as well as the terrorist group Hezbollah, are directly responsible for the AMIA bombing of 18 July 1994, which killed 88 and injured at least 150.

X. PETITION

In view of all of the above, and in light of the fact that the current whereabouts is unknown of all those persons whose participation in the 18 July 1994 AMIA attack has been demonstrated, we hereby petition the Court as follows:

1) **ISSUE A NATIONAL AND INTERNATIONAL REQUEST FOR THE CAPTURE OF ALI AKBAR HASHEMI BAHRAMAIE RAFSANJANI** (occupation: cleric; nationality: Iranian; president of Iran from 1989-1997) for his proven responsibility for the AMIA attack of 18 July 1994, with a view to implementing the procedure pursuant to articles 283 and 293 of the Penal Code.

2) On the grounds of the arguments, considerations and evidence presented in the present report, **ISSUE A NEW NATIONAL AND INTERNATIONAL REQUEST FOR THE CAPTURE OF**

ALI FALLAHIJAN (born in Najafabad, Esfahan province, Iran in 1949, Iranian citizen; was Iranian minister of intelligence from 1989 until 1997), for his proven responsibility for the AMIA attack of 18 July 1994, with a view to implementing the procedure pursuant to articles 283 and 293 of the Penal Code.

3) **ISSUE A NATIONAL AND INTERNATIONAL REQUEST FOR THE CAPTURE** of **ALI AKBAR VELAYATI** (diplomat, Iranian citizen, holder of official Iranian passport no.

010755; was Iranian foreign minister from 1981 through 1997) for his proven responsibility for the AMIA attack on 18 July 1994, with a view to implementing the procedure pursuant to articles 283 and 293 of the Penal Code.

4**) ISSUE A NATIONAL AND INTERNATIONAL REQUEST FOR THE CAPTURE** of **MOHSEN REZAI** (commander of the Revolutionary Guard from 1993-1994) for his proven responsibility for the AMIA attack on 18 July 1994, with a view to implementing the procedure pursuant to articles 283 and 293 of the Penal Code.

5) **ISSUE A NATIONAL AND INTERNATIONAL REQUEST FOR THE CAPTURE** of **AHMAD VAHIDI** (commander of the Quds Force of the Revolutionary Guard from 1993-1994) for his proven responsibility for the AMIA attack on 18 July 1994, with a view to implementing the procedure pursuant to articles 283 and 293 of the Penal Code.

6) On the grounds of the arguments, considerations and evidence presented in the present report, **ISSUE A NEW NATIONAL AND INTERNATIONAL REQUEST FOR THE CAPTURE** of **MOHSEN RABBANI** (alias Khokat Al Aslam Munan; age 49, 53, or 54; son Mohammed or Hassan Rabbani and Safdel Mahsuma; married to Tayebeh "Zohre" Rabbani; occupation: cleric and diplomat; Iranian citizen; date of birth: 23 December or 23 January 1952, or 23 December 1956, or 23 January 1957 in Torbatheidarieh, Iran; holder of the following Iranian passports nos. 198448 and 2631031; and of the following Iranian diplomatic passports, nos. 012009, A 0003943, and 0003552, CIPFA no. 11.950.339, and an Argentine residency permit for

foreigners no. 92.560.131; was accredited as the cultural attaché of the Iranian embassy in Argentina from 3 March 1994 to 19 May 1998; resided in Argentina from 27 August 1983 to 21 September 1997, where his home address was calle Cervantes 883 second floor, and his work addresses were San Nicolas 674, Martín Coronado 3120, and Esmeralda 847, 11th floor; all located in Buenos Aires) for his proven responsibility for the AMIA attack of 18 July 1994, with a view to implementing the procedure pursuant to articles 283 and 293 of the Penal Code.

7) On the grounds of the arguments, considerations and evidence presented in the present report, **ISSUE A NEW NATIONAL AND INTERNATIONAL REQUEST FOR THE CAPTURE** of **AHMAD REZA ASGHARI OR MOHSEN RANDJBARAN** (age 45; married to Zahra Asghari (nee Assadi); son of Rahim and Masdmeh; occupation: diplomat; Iranian citizen; date of birth: 11 July 1961; place of birth: Aligodarz, Iran; holder of Iranian diplomatic passport no. 008664; accredited as Third Secretary of the Iranian embassy in Argentina from 11 July 1991 to 23 July 1994; home addresses in Argentina: calle Medrano 678, 10th floor "A"; calle Malabia 2363, 6th floor "A", and calle Arenales 2552, 9th floor "D"; work address: Av Figueroa Alcorta 3229; all in Buenos Aires) for his proven responsibility for the AMIA attack of 18 July 1994, with a view to implementing the procedure pursuant to articles 283 and 293 of the Penal Code.

8) On the grounds of the arguments, considerations and evidence presented in the present report, **ISSUE A NEW NATIONAL AND INTERNATIONAL REQUEST FOR THE CAPTURE** of **IMAD FAYEZ MOUGHNIEH**, also identified as Imad Fawaz Mughniyah, Mugniyah, Mugniya, Mughniya, Moughniyah, Mujniyah, Mughnie or Mughniye; known aliases: Haidar Khadr -Jadr- Husayn, Khodor -Jodr- Haidar Khodr, Hussein -Husein- Haidar -Aidar, Hader-, Abou Faour -Faur-,

Jihad Fuad -Fouad-, Abou Faour Jihad Fuad -Fouad-, Ahmad Mustafa Chamran -Shamran-, Fuad Abu Fahrur, Jihad Fouad Abu Faour, Ali Mahmoud Moughnie, Mahmoud Kutami, Hibba Rajayi and Mustafa Yassine; sone of Fayez Saleh Mughniyah or Mahmoud Jaafar -Sheik Jawad-, and Amina Salameh o Fátima; age 43 or 44; married to Saida -Khadijah- Badr-e-Ddin o Bahd Al Din; occupation: engineer; Lebanese citizen; place of birth: Tayr Debba, Lebanon; date of birth July, 7 December, or 17 December 1962; holder of Lebanese passport no. 432.298 and Yemenite passport no. B-74.867; head of Hezbollah's External Security service in 1994), for his proven responsibility for the AMIA attack of 18 July 1994, with a view to implementing the procedure pursuant to articles 283 and 293 of the Penal Code.

9) On the grounds of the arguments, considerations and evidence presented in the present report, **CANCEL THE NATIONAL AND INTERNATIONAL REQUEST FOR THE CAPTURE** of the following Iranian nationals, who are identified as **BARAT ALI BALESH ABADL, HOSSEIN ALI TABRIZL, MASOUD AMIRL, SEYED YOUSEF ARABI, MAHMOUD MONZAVIZADEH, SAIED or SAEID BAGHBAN, AHMAD ALAMOLHODA or ALAM ALHODA, ALI AKBAR PARVARESH, and HADI SOLEIMANPOUR**.

10) **SUBMIT AN OFFICIAL LETTER TO THE INTERPOL DEPARTMENT** of The Policía Federal Argentina recommending that (a) the actions recommended above be implemented; and (b) in the event of the capture of any of the persons whose capture has been requested, that such persons be placed at the disposal of the Court as prisoners and be held incommunicado, pursuant to articles 283, 294 and 302 of the Código Procesal Penal).

11) **SUBMIT AN OFFICIAL LETTER TO THE MINISTER OF FOREIGN AFFAIRS** with a view to informing him of the aforementioned requests so that any action that is necessary may be taken in regard to said requests.

12) **SUBMIT AN OFFICIAL LETTER TO THE JEFATURA DE LA POLICIA FEDERAL ARGENTINA, GENDARMERIA NACIONAL, PREFECTURA NAVAL ARGENTINA, AND POLICIA DE SEGURIDAD AERPORTUARIA** for the same purpose as that indicated in item 10.

Investigations Unit of the Office of the Attorney General, 25 October 2006.

[stamp:]
Office of criminal investigations
AMIA CASE

[signature and stamp:]
Marcelo Martinez Burgos
District attorney

[signature and stamp:]
Alberto Nisman
Attorney general

[signature and stamp:]
Hernan Longo
Secretary of the Office of the Attorney General