THE NISMAN CASE: ITS IMPACT ON THE JEWISH COMMUNITY AND ON NATIONAL POLITICS IN ARGENTINA

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Executive Summary

The 1994 bombing of the AMIA Jewish Community Center in Buenos Aires that killed 85 people, as well as the long and scandal-ridden investigation into the deadly attack, still cast their shadow over modern Argentinian politics. The bombing and the controversy surrounding the investigation, as well as the death of the special prosecutor Alberto Nisman, played a prominent part in the 2015 presidential election. Even though its effects on the outcome are hard to measure, the so-called Nisman case still served to galvanize the central Jewish institutions on the political scene. Thus, this became the first election in which a Jewish issue appeared prominently in a presidential race. Nonetheless, the Peronists did not respond with the kind of antisemitic smear campaigns that have been launched in other Latin American countries, most notably Venezuela. A major reason for this may actually be the memory of the AMIA bombing and other instances of persecution of Jews in Argentina during the country's long years of dictatorship, an important element in the country's human rights movement.
Jewish Settlement in Argentina

The Jewish population in Argentina dates back to the Spanish colonial period, and are believed to have first come to Argentina in the early 16th century, following their expulsion from Spain. They were mostly Spanish conversos, or crypto-Jews who settled in the country and assimilated into the general population. Massive Jewish immigration began in 1889, mainly from Eastern Europe, though there is also a significant Sephardic or oriental Jewish presence. At its peak during the 1940s, the Jewish population was estimated to number almost half a million, two-thirds living in Buenos Aires and its suburbs. Today there are an estimated 180,000 to 220,000 Jews in Argentina.¹

Though unable to work in government or in the military (and in many areas of public services such as health, education or justice), Jews came to play an important role in Argentina and were involved in most sectors of Argentine society. Although some were involved from the beginning in the cooperative, small farmers and labor movement and in left-wing parties developed by immigrants, Jews mostly took part in the center-left Socialist and Democratic-Progressive parties.² In the decade beginning in 1900, the daily anarchist newspaper La Protesta even published a daily page in Yiddish. There were prominent Jewish political leaders including members of congress in both the Socialist and Radical (liberal) parties. The Communist Party of Argentina has had a Yiddish-speaking Jewish section since the end of the 1920s, following the model of the Soviet Union. It also developed a full-fledged network of Jewish communal institutions of Communist allegiance, (known as ICUF) parallel to the official ones, which is still active today. During the 1940s, Jews were present both in the Unión Democrática (an alliance


² See for instance the writer A Gerchunoff, who coined the famous literary figure of the Jewish gauchos in a tale published in 1910. His tales were published on occasion of the Centennial of National Independence, became immediately canonical and they continue to be published and translated in different countries. See for instance the bilingual Spanish/Hebrew edition: Los Gauchos Judíos/Gauchos Yehudim, the Argentinian Embassy in Israel, Tel Aviv, 1997.
between liberal, radical, socialist and communist parties) and in the Peronist movement, which contained both antisemitic and Jewish components.

**Antisemitism in Argentina**

There was always antisemitism in the background. Classic Argentinian antisemitism originated mainly from right wing, nationalist and totalitarian circles, including the army, police and the Catholic Church; parts of the Argentinian elite maintained the classic anti-Jewish prejudices of Christian origins. But much of the liberal literature of the late 19th century also expressed antisemitic prejudices. Conspiracy theories arose, such as the “Andinia Plan” (an alleged plan to establish a Jewish state in parts of Argentina and Chile, circulated widely since the 1970s), supposedly based on Jewish colonization movements such as Baron Hirsch’s movement, which sponsored large-scale Jewish immigration to Argentina, and on Theodor Herzl’s mention of Patagonia as a possible venue for a Jewish state in his book *The Jewish State*.

Jews served as scapegoats for economic and political setbacks, and political turmoil was often accompanied by antisemitic manifestations. There were instances of politically motivated violence against Jews. Three serious antisemitic incidents took place: In 1909, during “semana roja” (“red week”); and even more during “semana trágica” (“tragic week”) in January 1919, in Buenos Aires. In response to a general strike, civilian paramilitary groups (the Argentine Patriotic League) went after “agitators”, claiming hundreds of victims, including numerous Jews (known as “Rusos” – Russians - in Argentinian vernacular), who were accused of masterminding a Communist conspiracy. Jewish libraries and newspapers were attacked while police looked on passively.

During Juan Perón’s presidency (1946-55), many Nazis took refuge in Argentina, but there was also significant Jewish immigration. Antisemitic strike forces (such as the Nationalist Liberation

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Alliance) co-existed with Jewish elements among Perón’s followers, who even founded a parallel communitarian Peronist organization (known as OIA). There was also antisemitic violence during the period that followed Perón’s defeat and exile. One of the most serious attacks took place on June 21 1962, when the far right group Movimiento Nacionalista Tacuara (MNT) kidnapped a 19-year-old Jewish girl, Graciela Sirota, tortured her, and scarred her with swastika signs, allegedly in retaliation for the abduction and execution of Adolf Eichmann. The fate of Graciela Sirota raised public outrage, and on June 28 1962, in protest against this crime, the Delegation of Jewish Associations (DAIA), stopped all the activities of Jewish trade – a move supported by various political organizations, trade unions and intellectuals. During the last military dictatorship (1976-1983) there were no overt antisemitic armed attacks, but as part of the process known as “the dirty war”, Jews were estimated to represent 9-12 per cent of the victims of the military regime, while constituting less than one per cent of Argentina's population. Nazi ideology permeated the military and security forces and Jews were singled out for special treatment. Recordings of Hitler's speeches were played during torture sessions. The most famous case was that of Jacobo Timerman, a prominent liberal Jewish newspaper editor and self-defined Zionist socialist, who was detained in 1977 and tortured in a secret prison until he was released and expelled to Israel following an international outcry.

The Argentinian defeat in the Falklands (in Argentina called "Malvinas") War 1982, brought about the collapse of the dictatorship. Jews have taken part in both Radical (liberal) and Peronist governments since then, and in the 1994 constitutional reform, all constitutional barriers that prevented equality between cults and limited non-Catholics were removed. Jews were appointed to state institutions, including some that were previously almost unthinkable: judges, ambassadors and police chiefs. In President Cristina Kirchner’s government, the Foreign

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6 The Dirty War (1976-1983) was a campaign by the Argentine government against suspected dissidents and subversives. Many people, both opponents of the government as well as innocent bystanders disappeared in the middle of the night. They were taken to secret government detention centers where they were tortured and eventually killed. These people are known as los desaparecidos or “the disappeared.” See: www.globalsecurity.org/military/world/war/argentina.htm.
Minister was Hector Timerman, son of journalist Jacobo Timerman, mentioned above, and her Economy Minister Axel Kicillof was also Jewish. There are also Jewish provincial governors.

At the same time, there were indications of attempts by the Peronist Party to control the elections in Jewish community institutions in order to favor "friendly leaders". Furthermore, there was clear hostility toward the Netanyahu government in Israel and in the official media there was growing criticism of the "Zionist Right" at the same time as the government initiated a policy of rapprochement with Venezuela's sharply anti-Israeli, pro-Iranian president Hugo Chavez. This is significant because while classic right wing and pre-Vatican II Catholic antisemitism still exists today, much of present-day Argentinian antisemitism emanates from anti-Israel movements of Islamic militants and the extreme populist left.

AMIA Bombing

On July 18 1994, a van packed with explosives smashed into the headquarters of the AMIA (Argentine Jewish Mutual Association) center of the Jewish community in Buenos Aires, killing 85 people and injuring hundreds. The attack followed a similar one two years earlier, when a suicide bomber smashed into the Israeli Embassy, on March 17 1992, killing 29 people and wounding 242. The perpetrators were never brought to justice, although most investigators, including in the Western intelligence community, were convinced that both attacks were masterminded by the Iranian government and carried out by members of Hezbollah.

From the beginning, the Argentinian investigation was marked by corruption and incompetence. The prosecutors focused at first on what was known as the “local connection”: twenty-two

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10 For an alternative theory, that was never fully investigated, see the so-called “Syrian lead”, which focused on disputes between President Carlos Menem (an Argentinian of Syrian descent) and the Syrian government: “New AMIA Unit to investigate Syrian lead”, www.buenosairesherald.com/article/182666/new-amia-unit-to-investigate-syrian-lead.
Argentinians, among them a number of police officers accused of assisting in the attack, and a member of a local stolen-car ring named Carlos Alberto Telleldin, who was accused of selling the van to the bombers. But in 2003, all twenty-two defendants in the “local connection” were found not guilty. At the same time, Judge Juan José Galeano, in charge of the initial investigation, was removed from the case and impeached two years later, accused of irregularities and mishandling of the investigation.

Carlos Menem, President of Argentina at the time of the attack, and Hugo Anzorreguy, the head of the country’s main intelligence agency (SIDE) during Menem's presidency, were also prosecuted and accused of obstruction of justice. Their trial commenced in August 2015. In April 2016, the head of the Buenos Aires provincial Cassation Court Federico Domínguez, former police commissioner Luis Ernesto Vicat, lawyer Marta Parascandalo, and three others were also accused of irregularities during the investigation of the attack and indicted.

**Developments during the Kirchner Era**

Things changed after the election of Néstor Kirchner as president of Argentina. In 2004, Kirchner appointed Alberto Nisman as Special Prosecutor in charge of the investigation. In 2006, Nisman formally accused Iran of planning the attack and Hezbollah of carrying it out. International arrest warrants were issued through Interpol against several high ranking Iranians including leaders of the Revolutionary Guard Corps, amongst them Mohsen Rabbani, the former cultural attaché in Buenos Aires, suspected of masterminding the attack, former president Ayatollah Hashemi Rafsanjani and others. In speeches before the United Nations, Néstor Kirchner demanded greater Iranian cooperation with the bombing investigation and condemned Tehran for its refusal to hand over suspects.

At first, Kirchner’s elected successor, his wife Cristina, who took office in 2007, followed his policy in demanding justice for the bombing. Every September, when she travelled to New York

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for the opening of the General Assembly of the United Nations, she brought a group of AMIA survivors with her. In 2011, she told the assembly, “I am demanding, on the basis of the requirements of Argentine justice, that the Islamic Republic of Iran submit to the legal authority and in particular allow those who have been accused of some level of participation in the AMIA attack to be brought to justice.” But following her husband’s death in 2010 and her reelection in 2011, her position changed and she showed willingness to negotiate with the Iranians.

On January 27 2013, Cristina Kirchner announced the establishment of a joint Argentinian-Iranian “Truth Commission” to investigate the AMIA bombing. Iran agreed to set up the commission in return for Argentina closing down the judicial investigation and cancelling the Interpol warrants during the work of the commission. The truth commission would allow Argentinian judges to go to Tehran and possibly interview the suspects. The commission would review information presented by both sides, interview the suspects in Tehran and make suggestions on how to proceed in line with the laws of both countries. Before its official formation, the commission had to be approved by the parliaments of both countries. The agreement (also known as Memorandum of Understanding – MOU) was negotiated by the Foreign Ministers of the two countries, Héctor Timerman and Ali Akbar Salehi.

The Memorandum was approved by Argentina’s Congress on February 28 2013. Iran, however, failed to confirm it, perhaps because the Interpol warrants were not lifted. On February 12 the Iranian government announced that Defense Minister Ahmad Vahidi, who is suspected of involvement in the case, would not be subject to questioning in the coming proceedings. In 2014 an Argentinian federal court declared the Memorandum unconstitutional.

Even though Congress approved the agreement, it was far from uncontroversial in Argentina. It was accused of providing diplomatic legitimacy for terror-financing Iran, and created a national uproar. Leaders of the Delegation of Jewish Associations (DAIA) and the AMIA immediately rejected the agreement and claimed that it “paved the way for a third attack” on Argentina because the country had subjected itself to foreign, and specifically Iranian, input.  

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Prosecutor Alberto Nisman declared that the agreement represented an “unconstitutional” intrusion by the President into the judiciary and, in a televised interview, insisted that the Iranian suspects be brought to trial in Argentina. Shortly afterward, Nisman began investigating Kirchner and Timerman, with help from Antonio Jaime Stiuso, the senior intelligence official. In January 2015, Nisman accused President Cristina Kirchner of engaging in a criminal conspiracy to bury the AMIA case. He accused Cristina Kirchner and Timerman of “being authors and accomplices of an aggravated cover-up and obstruction of justice regarding the Iranians accused of the AMIA terrorist attack.” In addition to the public agreement to set up a truth commission, there was a secret agreement, in which the Argentine government was expected to remove the Iranian names from Interpol’s wanted list. In exchange, Argentina would benefit from lucrative agreements to sell grain and buy Iranian oil, or possibly to trade them. To make the deal acceptable to the public, Nisman said, Kirchner and Timerman planned to come up with a “new theory” of who committed the AMIA bombing. A few days after lodging the complaint, and the night before he was due to present its contents to a committee of the Argentine Congress, Nisman was found dead with a bullet in his head in the bathroom of his apartment.

The investigation into Nisman’s death was marked by incompetence and conflicting versions. An autopsy was performed and it was pronounced a suicide. At first, Kirchner endorsed the findings of suicide, but later on, following the public outcry, she declared that he had been murdered in an effort to discredit her. She announced the disbanding of SIDE and the creation of a new federal intelligence agency. Conspiracy theories abounded. In a nationwide poll commissioned the week after Nisman’s death, seventy per cent of those surveyed believed that he had been murdered, and half said they believed that the government was involved. Jewish groups boycotted the Argentine government’s Holocaust Day commemoration at the Foreign Ministry on January 27 2015 in protest, holding a separate ceremony at the AMIA building. On February 18 2015 some 400,000 Argentinians marched from the Argentine Congress to the Plaza de Mayo in pouring

rain, in honor of Nisman and in protest against what they described as the government’s failure to protect a prosecutor.14

The Jewish factor

The Jewish factor is central to the developments described above. It all began with the bombing of the headquarters of the Jewish community. Many of the principal protagonists are Jewish. Foreign minister Hector Timerman is an Argentinian Jew, son of Jacobo Timerman, mentioned above. Formerly an involved member of Argentina’s Jewish community, in April 2015 Hector Timerman resigned his AMIA membership, due to its “obstructionist actions” against the deal with Iran. He frequently mentions his Jewishness but stresses that his loyalty is first and foremost to Argentina. His Jewish identity was also noted by others. For instance, Jorge Alejandro “Yusuf” Khalil, an Argentinian citizen who served as Tehran’s main back-channel interlocutor with the government of Argentina, was caught on tape referring to Timerman as a “fucking Jew.” Alberto Nisman was also Jewish, and the many daily death threats he received included antisemitic abuse.

President Cristina Kirchner appears to have ambivalent feelings about Jews. On the one hand, she seems to be in awe of Jews. In her initial reaction to Nisman’s death, she asked how anyone could believe that Timerman, who “professes the Jewish faith and is Jewish”, could possibly have done anything illegal during the negotiations with Iran. On the other hand, her reaction to the developments and events which followed the signing of the MOU, have led to accusations of antisemitism.

Cristina Kirchner perceived the whole AMIA issue as a foreign struggle being played out on Argentinian soil. In a column published on her official website, alluding to the Middle East

conflict and citing Israeli Prime Minister Netanyahu’s speech in the US Congress aimed at preventing “Obama’s agreement with Iran on the nuclear plan”, she notes that “for some, Argentina and AMIA are just collateral damages in a war we never took part in nor want to.”\(^{15}\)

According to her, there was a close connection between foreign groups and individuals who were plotting to undermine her efforts to “determine what happened”. Kirchner also believed she was the target of a conspiracy between the US “vulture funds” (alluding to a decade-long financial battle to collect $1.5 billion from Argentina on defaulted foreign bonds held by US hedge funds managed by the Jewish American financier Paul Singer), the US embassy, Argentinian Jewish groups (DAIA and AMIA), intelligence agents led by Antonio Jaime Stiuso and Alberto Nisman. The government claimed that Nisman pressured the Jewish community to join him in challenging the MOU, thereby smearing the government. During a visit to the neighborhood of Villa Lugano in Buenos Aires, Cristina Kirchner recommended that young people read "The Merchant of Venice" by William Shakespeare in order to understand "the vulture funds". According to Rabbi Sergio Bergman, then a leading conservative opposition politician, beginning in March 2015 the government began to "attack the Jewish community, the State of Israel and began deploying one of the most Judeophobic and antisemitic positions we have heard from a President of the nation. He did, however, stop short of calling the President antisemitic, saying instead that she used antisemitic arguments.\(^{16}\)

Kirchner’s followers accused Nisman and Stiuso of being on the payroll of the CIA and the Israeli Mossad. According to former presidential candidate and Senator Leopoldo Moreau, for instance, Nisman’s complaint was aimed at assisting Prime Minister Netanyahu in his attempt to prevent Obama’s agreement with Iran. When he realized he had no proof for his allegations and his foreign connections were about to be revealed, he killed himself.\(^{17}\)

The situation was utilized by antisemitic elements in Argentina in order to rehash arguments such as the claim that the Israeli Mossad was behind Nisman’s accusations, and to voice accusations of dual loyalty against the Jewish community. Juan Gabriel Labaké, defense attorney


\(^{16}\)www.cronista.com/economiapolitica/Dura-critica-de-Bergman-a-Cristina-por-discurso-judio-fobico-20150717-0100.html.

for some of the accused in connection with the AMIA bombing, filed a criminal complaint demanding the investigation of alleged financial links between the US “vulture funds” and Alberto Nisman, and accused Nisman, Jewish leaders, members of the opposition and journalists of committing “treason” and constituting a serious danger to the Argentine Nation. The complaint was dismissed by the court in September 2015.18

Nisman’s death was a central theme in the 2015 presidential election campaign. The government denied any intention of concealment, but hundreds of thousands of people, encouraged by the opposition and the central Jewish community organizations, were nonetheless mobilized against the government. A new prosecutor, Viviana Fein, who is also Jewish, investigated the case and pointed to suicide. She was later removed from the case. In February 2015, federal judge Daniel Rafecas (specialist in the fields of the Holocaust, discrimination and human rights) dismissed Nisman’s allegations against Kirchner.

Things changed yet again when the anti-Peronist opposition won the presidential elections in December 2015. Mauricio Macri’s new government condemned Venezuela and announced a rapprochement with the West and Israel. It cancelled the agreement with Iran and reopened the investigation into the Nisman case. There is a clear change of climate in the relations between the new government and the Jewish leadership. In February 2016, Ricardo Sáenz, the prosecutor before the City’s Criminal Appeals Court, demanded that the case be handled by federal judicial authorities, as he affirmed that the former AMIA special prosecutor Nisman was the victim of a “homicide.” On 29 February, former chief intelligence official Stiuso testified that he is convinced that the death of prosecutor Alberto Nisman was murder, a death "closely linked to the work he was doing" and said that in recent years the government of Cristina Kirchner "hindered" the investigation of the AMIA bombing.19

Analysis and Prospects – Potential Impact of the Nisman Case

There is no clear-cut evidence of the impact of Nisman’s death on the results of the 2015 presidential election. Although Nisman’s death was a central theme in the election campaign and was utilized by the opposition against Kirchner and the governing party, its effect was probably short term. The ruling party’s defeat was primarily a result of the people’s weariness with political corruption and economic turmoil.

However, the Nisman case marks a break in relations between politics and the official Jewish community in Argentina. Never before has a "Jewish issue" been so prominent in the electoral campaign, nor has the Jewish community openly and officially supported one of the sides into which Argentinian society was divided. A group of “Argentinians of Jewish origin” led by former vice-president of DAIA J. Kirschbaum, even broke with the official Jewish entities (DAIA and AMIA) and held a separate meeting to air their differences, claiming those entities did not represent them. The Jewish leadership saw this as an attempt on the part of the government to exploit existing rifts in the community for their own benefit, comparing it to the semi-official OIA during the first Peronist government in the 1950s, mentioned above. On the other hand, as noted above, the center-right conservative coalition headed by Macri utilized the Nisman case to attack the ruling party and bolster its own popularity with the Jewish community. One of the ministers in Macri’s government, Sergio Berman, is a practicing rabbi and he was sworn in on the Hebrew Bible. This was the first time Argentinian state symbols and Jewish religious symbols were combined in an official ceremony.

In spite of the friction between the Jewish community and Cristina Kirchner’s government following the MOU with Iran Nisman’s death and Cristina Kirchner’s statements, the Jewish community’s support for the anti-Peronist coalition did not lead to a shift to official antisemitic positions or discourse by the ruling Peronist party. On the contrary, the Peronist party and its “Front for Victory” coalition stressed its pluralist character, and there were notable Jewish candidates for offices of judges, prosecutors, ministers, deputies, senators and provincial governors.20

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20 At the same time, there are some elements on the periphery of the Peronist left which have not abandoned anti-Zionism as part of an anti-capitalist and especially anti-American approach. In society in general, one can find anti-Zionist/anti-capitalist speeches in a sporadic and unorganized manner, such as talkbacks in major newspapers on the subject of Israel or the Middle East.
It still appears that the adoption of a radical antisemitic speech, racist in content, as might be the case in other Latin American countries ruled by regimes sympathetic to Iran, has clear limits in the case of Argentina. On the one hand, there is the memory of the victims of the military dictatorship of the 60s and 70s, with its large proportion of Jews; on the other hand, the terrorist attacks of the 90s are perceived as Islamic attacks that cost the lives of many "innocent" non-Jewish Argentinian victims. Thus, the memory of the victims, always present in Argentina's political discourse and in civic life, prevents the direct adoption of anti-Jewish discourse by meaningful political or social actors on the national scene, in the media or among intellectuals. It is even possible that the ecumenical actions of Pope Francis I have had far-reaching effects on Argentinian society. As stated in the introduction, the Catholic Church in Argentina has traditionally served as a source for anti-Semitism, both by action as by omission. Before Pope Francis I, the doctrinal changes of the Second Vatican Council (1959-1965) were not applied in practice by most Argentinian Church leaders. The current Pope and his reformist stance have started a process of draining out this swamp. His deeds can no longer be ignored by Church hierarchy in his own country. The post-Vatican II Pope Francis I, seen widely as “an Argentinian and Peronist” Pope, is strengthening this effect above, preventing the use of antisemitism as a weighty political factor.21

So, much like in many other societies that have suffered through political upheavals, in post-dictatorial Argentina the use of remembrance and forgetfulness of the recent past has immediate political consequences. In his essay "Reflections on Oblivion", Yosef Yerushalmi states that the memory of a bad practice in the past often serves as a prescription for the desirable political future and its limits. Thus, the "repression" by the military government (1976-1983) and "corruption" of Menem’s government (1989-1999), are integrated with anti-Jewish policies or practices in the collective imagination. Along the same lines, the memory of the victims "of the past" (including the disappearances and attacks on Jewish institutions) are a protest against impunity "in the present" and a reminder of the limits that a democratic government must not

overstep" in the future". Thus it would seem that like in post-War Germany, the "Never Again"
to anti-Jewish persecution is part of the democratic contract of the Argentinian society.22

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22 For the political use of remembrance in Latin America since transition to democracy, see: Pilar Calveiro: "Los
usos políticos de la memoria", in: Sujetos sociales y nuevas formas de protesta, Consejo Latino-Americano de
Ciencias Sociales (CLACSO), Bs. As., 2006. For political use of remembrance in Jewish tradition, see for instance:
Yosef Yerushalmi: "Reflexiones sobre el olvido", in Yosef Yerushalmi & al. (eds.), Usos del olvido. Ediciones
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Emilio Crenzel: "Políticas de la memoria. La historia del informe Nunca más", Papeles del CEIC, # 61, September
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(EUdeBA), Bs. As., 1984.