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Protecting the Argentine Jewish Community and Jewish Identity in Times of Crisis: Local Efforts, Global Community, and Foreign Support

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**PROTECTING THE ARGENTINE JEWISH COMMUNITY AND
JEWISH IDENTITY IN TIMES OF CRISIS: LOCAL EFFORTS,
GLOBAL COMMUNITY, AND FOREIGN SUPPORT**

*Carina J. Miller**

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I. INTRODUCTION

Although fighting anti-Semitism is a continuing concern and an ongoing mission of Argentine Jewish institutions, anti-Semitism in itself is not the most urgent or the most prominent problem of the Argentine Jewish community today. Rather, the community is mainly affected by a broad condition of vulnerability stemming from two situations: the devastating effects of an economic crisis that peaked in 2001-2002, and the

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unsuccessful effort to find and punish the perpetrators of the 1994 terrorist bombing of the AMIA Jewish Center.¹

Virtually all Argentines have felt the effect of the country's latest economic crisis, and Jews have been no exception. A dramatic increase in joblessness, bankruptcy and poverty led to the relatively sudden destitution of thousands of middle-class Jewish families and put an end to the myth — often spread by Argentine Jews themselves — that there were no poor Jews in Argentina. This economic nightmare has also had catastrophic social consequences for the community, as the “new poor” have emigrated in droves to Israel and other countries, reduced their support for Jewish organizations, and often cut off contact with Jewish institutions altogether.

The effort to obtain a fair investigation of the terrorist attack against the AMIA and to prosecute the culprits has also been a source of enormous stress on the community, its institutions, and its leadership. Until recently, the case was also a source of mostly confrontational relations with the government, due to the accumulation of evidence of inefficiency, negligence, and even outright corruption and malfeasance from government officials and public agencies.

To a large extent, the vulnerability affecting the Argentine Jewish community in those two matters has stemmed from its defenselessness vis-a-vis the state, a problem that does not affect Jews exclusively. To varying degrees, virtually all Argentines have suffered from the deficiencies of a state apparatus that creates recurrent economic crises without affording citizens adequate help to cope with them, and that lacks effective and fully reliable judicial and law enforcement systems.

On the other hand, this Article shows that the Jewish community has also suffered as a result of characteristics that are not shared with the broader Argentine society. The damage inflicted to the Jewish minority by the economic crisis may not have been larger than that suffered by society at large, but its effect has been qualitatively different because it has threatened the vitality of Jewish identity in Argentina. Similarly, although the AMIA bombing, as a terrorist attack, is a matter that concerns Argentina's citizenry at large, the attack had a clear anti-Jewish intent, and the lack of success in finding the culprits has affected the Jewish community like no other group in the country. For the last decade, Jewish institutions like social clubs, schools and synagogues have barricaded themselves behind barriers of cement to prevent car-bombs —

1. AMIA stands for *Asociación Mutual Israelita Argentina* (Mutual Aid Association). The organization was founded in 1894 mainly to provide assistance and relief to needy members of the community, including immigrants, widows, and orphans. Over the years, AMIA expanded its role into many other areas, including cultural affairs and job placement.

extraordinary security measures that only confirm the community's unique vulnerability. Even after the rise of President Néstor Kirchner to power in May 2003 — the first president since the bombing who has shown signs of commitment to solving the case — the onus for pushing the investigation forward has fallen disproportionately on the Jewish community.

An evaluation of how the Argentine Jewish community has coped under stress must consider this minority group's international linkages. Faced with intractable problems at home, the local community found critical help from outside the country. Argentine Jews, who today number no more than 200,000 out of a total population of over 37 million, received from the global Jewish community the financial support and interest that helped them deal with the economic crisis and the constant obstacles they found in the prosecution of the AMIA case.²

Argentine Jews also sought and received help from foreign sources that did not share their religious identity, however — including the Inter-American Development Bank and the Inter-American Commission on Human Rights — and used that help quite effectively. This should not be surprising — in a globalized world with multiple regional and worldwide organizations, instant communications, and large numbers of ethnic, national, and religious diasporas, relatively sophisticated and well-organized minorities should be able to find support in a variety of issue-based, rather than identity-based, foreign sources.

II. THE SPECIAL IMPACT OF THE ECONOMIC CRISIS ON THE ARGENTINE JEWISH COMMUNITY

Although Argentina's latest economic problems can be traced back to the mid-1990s and are still felt today, the period of 2000-2002 has been the most critical because it generated extremely rapid and widespread

2. The last national census that inquired about religious affiliation was conducted in 1960, and indicated that there were some 292,000 Jews living in Argentina. See MARISA BRAYLAN & ADRIÁN JMELNIZKY, INFORME SOBRE ANTISEMITISMO EN LA ARGENTINA, 2002, at 13-16 (Buenos Aires, DAIA/CES, Apr. 2003) (giving an account on the demographic evolution of the Argentine Jewish population). Some sources calculate that the community might have about 200,000 members. See, e.g., FUNDACIÓN TZEDAKÁ, POBREZA DE LA COMUNIDAD JUDÍA EN LA ARGENTINA EN CRISIS 14 (Buenos Aires, Mar. 2002). Other sources maintain that an estimated figure between 180,000 and 190,000 would be more accurate for 2003. Interview with Adrián Jmelnizky, Centro de Estudios Sociales, Delegación de Asociaciones Israelitas Argentinas (DAIA), Buenos Aires (July 2003) (notes on file with the author). Jmelnizky argues that Argentine Jews never numbered more than 300,000 to 310,000.

pauperization. The process of economic liberalization and restructuring undertaken in the mid-1990s increased the concentration of income in the wealthiest sectors of society, generated increasing rates of unemployment and poverty, and left millions of Argentines with precarious jobs or with multiple poorly paid jobs. The lack of a public welfare net has meant that millions of households had to downsize drastically, and sink or swim on their own.³

Very few Argentines came out of the crisis unscathed. Jewish families cannot be said to have suffered any more or less than other Argentine families, but the impact of the crisis on them, and on the Jewish community as a collective, had some uniquely damaging characteristics.

One of the most salient effects of the crisis has been the rapid impoverishment of Argentine households which had until recently been solidly middle class. The Jewish community, heavily middle class, was struck at its core.⁴ Inexpensive imports and drastic drops in purchasing power and demand led stores to close their doors and threatened the livelihood of thousands of merchants and small manufacturers — common occupations for very large numbers of Argentine Jews.⁵ Professionals in a wide range of trades — another sizeable proportion of working Jews — lost their jobs or suffered a dramatic loss of income.⁶ The ranks of the Jewish poor were quickly enlarged with thousands of “newly poor” Jews and Jews in precarious situations that put them at risk of falling into poverty.

Of an estimated 200,000 Argentine Jews, by 1998 there were 27,900 poor, and by 2002 the number exceeded 49,500 — about 25% of all the community. Of the total number of poor, 7.5% were indigent and unable to meet even basic alimentary needs. Some 25,000 Jews were unemployed.⁷

The widespread economic troubles have also had detrimental social consequences. Massive migration separated and uprooted families. Thousands of Jewish poor, and particularly the “newly poor,” lost touch

3. In 2001, the government established the plan *Trabajar*, and in 2002 the plan *Jefes y Jefas de Hogar*, two unemployment subsidies. These meager subsidies have been criticized for being widely misused to buy political support, and for being regularly given to undeserving recipients, but they have probably been helpful for families in very dire straits.

4. For a review of the early days of the crisis, see LAURA GOLBERT ET AL., *LA NUEVA POBREZA JUDÍA* (Buenos Aires, American Joint Distribution Committee, 1997); FUNDACIÓN TZEDAKÁ, *supra* note 2 (providing an overview of more recent years, and also substantial statistical information).

5. FUNDACIÓN TZEDAKÁ, *supra* note 2, at 9.

6. *Id.*

7. *Id.* at 12-14.

with the community. Some lacked the financial resources to keep participating in Jewish sports clubs, synagogues, or schools. Others have been unable or reluctant to re-define themselves as poor and ask for help from Jewish organizations. Many have felt ashamed and unwilling to socialize in or seek help from social circles that had known them in better times.⁸

The community's institutional infrastructure also suffered. Schools and social clubs lost members. Their increasingly limited resources stretched to the maximum as they struggled to pay their employees and to provide scholarships or other forms of financial support. In the interior provinces, migration decimated local communities, and weakened or extinguished Jewish schooling and religious activity. The closing of two Jewish-owned banks that had provided substantial support for community institutions in the past caused additional distress.

III. THE JEWISH COMMUNITY'S RESPONSE TO THE CRISIS: LOCAL INITIATIVES

The handful of community institutions that had traditionally provided help with the needs of the Jewish poor and the unemployed were overwhelmed by the economic and social damage provoked by the crisis. The community faced a double mission: first, help Jews satisfy basic material needs — including housing, health care and jobs — and second, take action to maintain within its fold all of those families who were losing touch with Jewish life. The community risked losing large numbers of families to crisis-induced assimilation.

The community addressed that double mission in a number of ways. First, it financed migration to Israel. Like their gentile counterparts, thousands of Jewish families decided to leave the country, overwhelmed by their economic problems or hopeless about the future of their children in Argentina. Estimates indicate that over 20,000 Jews left Argentina and moved abroad between 2000 and 2004. A third of them migrated to Israel, with substantial support from the state of Israel and from American Jewish donor organizations.⁹ Others moved to other places including the United States, Canada, Spain, and a handful of Latin American countries.¹⁰

8. On the "new poor," see GOLBERT ET AL., *supra* note 4; Nora Blaistein, *Alianza Solidaria: una red de Protección Social Comunitaria en la Argentina*, in *LA LUCHA CONTRA LA POBREZA EN AMÉRICA LATINA* (Bernardo Kliksberg ed., BID, Fondo de Cultura Económica de Argentina, 2000).

9. See *infra* text accompanying note 14.

10. Noga Tarnopolsky, *Argentina: Se Buscan Judios*, COMUNIDADES (Buenos Aires), Apr. 2, 2003, at 4 (reporting weakened Jewish communities in Basel, Santiago de Chile, Dublin, and

Second, the network of Jewish organizations able to provide social and economic relief was expanded, in an effort to make staying in Argentina a viable option. Often with extensive financial help from abroad, these organizations instituted programs to help needy families buy food, obtain medicines and medical care, pay condominium fees or rent to avoid eviction, send children to Jewish schools, find jobs or get job training. One of the most far-reaching local organizations has been Fundación Tzedaká, which in 1997 joined other Jewish social organizations in Buenos Aires and the interior provinces to create Alianza Solidaria, a network of assistance centers.¹¹

Third, Jewish organizations took positive steps to ensure that Jews would not leave the fold of the community. A special effort was made to keep Jewish children in touch with Jewish organizations, and particularly to keep them in or bring them back to Jewish schools. Jewish day schools had been losing students to other secular private schools even before the economic crisis. With the crisis, as Jewish schools closed or their tuition became less affordable, public schools became a more attractive option for many parents.¹² Education leaders in the community confronted the challenge by merging schools and increasing the availability of scholarships, often with funds from abroad.¹³ Other important initiatives in the area of education sought to address problems among education providers, including the loss of qualified teachers to migration, and schools' difficulty in paying the salaries of teachers and administrators.

Quito have sought to attract Argentine Jews who could revitalize them. Jewish communities in Mexico, Costa Rica, Australia, New Zealand, Canada, Panama, and Sweden have expressed similar interests.)

11. See Blaistein, *supra* note 8 (describing the Alianza Solidaria).

12. One source indicates that over ten schools closed in the period of 2000-2003. Interview with Jana Roitemberg, formerly an official at the United Argentine Jewish Campaign (CUJA), Aug. 2003 and July 2004 (notes on file with the author).

13. Among these programs is "Bamá," created in 2001 with funds from the Jewish Agency. An initiative called "Back to the Shule" brought 220 children back to Jewish schools and tried to integrate their families into the framework of Jewish institutions. Funding came from the Jewish international organization Keren Hayesod, as well as from the schools themselves and private sponsors of the new students. The program "Let's Continue in the Shule" sought to prevent students from dropping out of Jewish schools by providing them scholarships. Funding came from Keren Hayesod and local schools. Keren Hayesod also sponsored initiatives that sought to address the problems faced by educators. See BAMÁ, MARCANDO EL RUMBO HACIA UNA NUEVA EDUCACIÓN JUDÍA (2002); KEREN HAYESOD, ARGENTINA: OUR PROJECTS (2002).

IV. HELP FROM ABROAD

A fourth overlapping way in which the community coped with the crisis involved the effective use of financial assistance from abroad, which came in large part from the Jewish community of the United States. In the period 2002-2003, for example, the Argentine Jewish community received \$35 million to fund migration to Israel, over \$9 million to be used for education, and over \$14 million to fund social programs.¹⁴ Throughout the crisis, alarmed individual U.S. donors sent additional amounts raised for the specific purpose of responding to the emergency in Argentina. B'nai B'rith International, in cooperation with Brother's Brother Foundation, sent over a million dollars worth of medicines, to be made available to the general Argentine public.¹⁵ The American Jewish Joint Distribution Committee provided funds for relief activities by Alianza Solidaria, and for the creation of the Ariel Job Center where thousands of professionals and small business owners received training, job placement, and financial support to fund new business ventures or keep open existing ones. Additional foreign contributions reached Argentina through the Hasidic organization Chabad, which has been providing for the needs of hundreds of families.

Being a relatively sophisticated minority, the Argentine Jewish community was able to actively seek and take advantage of existing support from non-Jewish sources. The Inter-American Development Bank (IADB) published an edited volume on poverty in Latin America that contained detailed descriptions of the predicament of the Argentine Jewish community.¹⁶ In December 2001 the IADB held an international meeting with the Latin American Jewish Congress, Fundación Tzedaká, and the American Joint Distribution Committee to discuss poverty and to seek solutions (similar meetings have been held with representatives of the Catholic Church and with Protestant and Evangelical church

14. Roitemberg, *supra* note 12. The \$35 million is an annual installment, part of a 4-year commitment, and comes from the U.S. organization JAFI (Jewish Agency for Israel). The funds for education were provided by Keren Hayesod, JAFI's peer organization around the world, and originated in Israel. The funds for social relief were provided by the American Jewish Joint Distribution Committee, as part of a 3-year program in partnership with the local Fundación Tzedaká and AMIA.

15. Organizations Providing Services in Argentina, *Initial Report of UJC Argentina Task Force* (n.d.).

16. Manuel Tenembaum, *Alteridad Y Violencia: El Caso Judío*, LA LUCHA CONTRA LA POBREZA EN AMÉRICA LATINA, *supra* note 8; Ana E. Weinstein, *Nuevos Escenarios Para Un Compromiso Permanente: La Acción Social De La Amia, Comunidad Judía*, LA LUCHA CONTRA LA POBREZA EN AMÉRICA LATINA, *supra* note 8; Blaistein, *supra* note 8.

representatives).¹⁷ In October 2001, at the height of the crisis and with unemployment hovering above 30%, the IADB agreed to provide AMIA a \$1,730,000 grant in support of its activities in job placement (AMIA's employment program is open to the general public).¹⁸ The money came from the Multilateral Investment Fund (MIF), an autonomous fund administered by the IADB.¹⁹ Earlier that year, the MIF had contributed \$830,000 as part of a project of support for microenterprises in non-traditional sectors, carried out by the local agency Leatid.²⁰

The social impact of the economic crisis, the closing down of Jewish institutions, and the large-scale migration made it impossible for the community to maintain a "business as usual" approach to Jewish life and Jewish identity. As institutions shut down or merged, there was a certain degree of forced restructuring. However, community leaders in various areas also took advantage of the crisis to rethink existing institutions and make some explicit long-term planning. The community's approach to Jewish education was thus revamped; as new programs were set up to keep children involved in Jewish education, new models of schooling were implemented because the traditional model of full-day, so-called "integral" Jewish schooling was no longer viable for many families.²¹

Similarly, the provision of social assistance became increasingly efficient and systematized. With foreign financial support, the organization LEATID changed its mission from leadership training to the establishment of a job training center, a mission more consistent with the needs of the moment. The creation of a database of some 37,000 beneficiary families allowed for adequate follow-up of each case and a more orderly and well-targeted use of resources.²² Job placement was another critical area where

17. See Inter-American Development Bank, at <http://www.iadb.org> (outlining the IADB's Inter-American Initiative of Social Capital, Ethics and Development).

18. Press Release, Inter-America Development Bank, President Iglesias, AMIA, Sign \$1,730,000 Grant to Strengthen Job Placement Services in Argentina (Oct. 11, 2001), available at http://www.iadb.org/NEWS/Display/PRView.cfm?PR_Num=179_01& (last visited June 30, 2004). The funds came from the Multilateral Investment Fund, an autonomous fund administered by the IADB. The agreement called for AMIA to provide an identical amount in matching funds. *Id.*

19. *Id.*

20. Multilateral Investment Fund Database, at <http://www.iadb.org/mif/v2/projectview.asp?ID=1347&C=8> (last visited June 30, 2004). LEATID contributed \$620,000 to the program.

21. For many years Jewish schools offered "integral" education, with full-day programs that both met state requirements for education, and offered Judaica and Hebrew studies. Roiternberg, *supra* note 12. Less formal models of schooling are now being implemented, which focus on classes meeting two or three times weekly for only six to fifteen hours. The need for new educational models has been particularly acute in the interior provinces, where the dramatic shrinkage of the Jewish population made Jewish schooling of twenty hours or more unfeasible.

22. Roiternberg, *supra* note 12.

local efforts and foreign input paid off. In 1999, the Argentine Labor Ministry recognized AMIA as “the leading civil society employment agency.”²³ Between November 2001 and April 2003, the Ariel Job Center provided training services for 6400 people, and helped 420 others to find jobs in Jewish institutions and Jewish-owned businesses. It provided financial support to over a thousand business initiatives, both new and ongoing.²⁴

In sum, the economic crisis not only threatened the well-being of thousands of individual Jewish families, but also created a life-threatening emergency for this minority community as a collective. Old institutions like AMIA and new ones like Fundación Tzedaká faced the crisis through the mobilization of human and financial resources, both domestic and foreign. In many cases, the crisis served as a catalyst for useful change.

V. THE AMIA CASE

On the morning of July 18, 1994, a car-bomb destroyed the AMIA building in Buenos Aires, leaving eighty-five people dead and numerous others injured, Jews and non-Jews alike. The attack was followed by ten years of frustrating attempts to discover and punish the culprits. During those years, the difficulty of finding out about the bombing was aggravated by repeated instances of public officials’ indifference, negligence, and misconduct.

As in the case of the economic crisis, the Argentine Jewish community’s own resources to deal with the AMIA case proved limited, and important help came from abroad. Once again, the U.S. Jewish community was the most forthcoming, whether by carrying out public protests in American cities against the stalled investigation, or by lobbying the U.S. government to put pressure on Argentine authorities. Frustrated and unable to force the government to conduct an adequate investigation, some people in the community also sought help from international organizations. The group Memoria Activa (Active Memory), formed by families of the victims of the attack, brought a complaint against the Argentine state before the Inter-American Commission of Human Rights.

23. Press Release, *supra* note 18. In 1999 AMIA was able to place eight hundred people in jobs. *Id.*

24. See Tzedaká Web Site, at <http://www.tzedaka.org.ar> (last visited Nov. 15, 2004).

VI. THE BOMBING AND ITS AFTERMATH: THE ROLE OF THE ARGENTINE GOVERNMENT

While the 1994 destruction of the AMIA building caused untold hardship and enormous human, material, and cultural losses, the extremely problematic investigation and judicial prosecution of the case dealt a second, and not less painful blow. From the start, the AMIA case showcased the shortcomings of Argentina's political institutions and of its law enforcement and judicial systems. Indeed, the mere fact that the attack took place can be largely attributed to reckless governmental neglect, coming as it did after the 1992 bombing and destruction of the Israeli embassy in Buenos Aires. No meaningful efforts had been made since that attack to prevent terrorist activity in the country, and there are indications that Argentine authorities may have received warnings before the bombing of AMIA of a coming attack.²⁵ The lack of an adequate investigation of the destruction of the embassy, and the absence of a minimum of effort to find and punish its culprits created an environment of impunity that invited further crime.

The investigation has aimed at finding both international involvement in the planning and execution of the attack, and "the local connection" — Argentine citizens who may have participated in planning, providing for, or carrying out the attack. From the beginning, the international inquiry focused on Iran, in spite of recurrent allegations that Syria may have been involved in the bombing.²⁶ The investigating judge issued an international warrant for the arrest of thirteen Iranian citizens suspected of participation

25. Sergio Kiernan, *A Tangled Road to Justice: The AMIA Trial Nine Years Later* (American Jewish Committee, July 2003) mentions a cable forwarded to the Argentine intelligence services (SIDE) from the Argentine embassy in Lebanon reporting a tip about an imminent attack in Buenos Aires; available at <http://www.ajc.org/InTheMedia/PubTerrorism.asp?did=869&pid=1843> (last visited Aug. 4, 2004). See also text accompanying *infra* note 36 (on allegations that the Argentine security agency SIDE knew about the forthcoming attack but lost control of a sting operation at the last moment).

26. Sergio Kiernan, an Argentine journalist who has studied the AMIA case and written about it extensively, underscored that even if the Iranian-backed organization Hezbollah had been responsible for the attack, the possibility of Syria's participation should not have been discarded, given that Syria has also sponsored the organization in Lebanon. He indicated that the refusal of Argentine authorities to pursue the "Syrian lead" was likely due not only to the personal and family connections of President Carlos Menem to Syria, but also to a very strong relationship between Syria and parts of Menem's Peronist party. Kiernan emphasized that the United States and Israel too have always accused Iran of the bombing and have rejected the possibility of Syrian involvement, out of an interest in maintaining good relations with Syria in the context of Middle East politics; Sergio Kiernan, telephone conversation of July 7, 2004 (notes filed with the author).

Miller: Protecting the Argentine Jewish Community and Jewish Identity in the bombing.²⁷ In August 2003, one of them, the Iranian ambassador in Argentina at the time of the bombing, was arrested in Great Britain.²⁸ Argentina's request for his extradition was not granted, however, because the British government felt that Argentina had failed to provide enough evidence of his involvement in the attack.²⁹

The investigation that looked into the "local connection" did result in a number of arrests. The detained are one man charged with having put together and sold the van used for the car-bombing, four former members of the Buenos Aires Province Police Force who have been charged as participants in the attack, and fifteen other individuals — civilian and police — charged with minor crimes.

In spite of the arrests, however, the AMIA investigation has barely moved forward in the years since the attack. The exact role of each of the individuals detained and allegedly involved in the attack is still not completely clear. Many obstacles have impeded an adequate investigation, including the willful disappearance and destruction of key material evidence (such as debris from the building and secret tape recordings of people suspected of having a connection to the attack).³⁰ There was also a controversial payment of \$400,000 by the national intelligence services to the man charged with selling the van used to car-bomb the AMIA, with full knowledge of the intervening judge, allegedly in exchange for testimony incriminating the four former policemen.³¹ Repeatedly, precious time was lost in the pursuit of false leads. Other times, the investigation was hindered by the unwillingness of the judge and other public officials

27. *Judge After Iranians*, BUENOS AIRES HERALD, Aug. 14, 2003, at 2.

28. *Detuvieron a un ex Embajador de Irán*, LA NACIÓN, Aug. 22, 2003, at 15.

29. AMIA: El Gobierno Inglés Rechazó la Extradición del Ex-Embajador Iraní, Nov. 13, 2003, available at <http://old.clarin.com/diario/2003/11/13/p-01301.htm> (last visited June 9, 2004). Aside from the quality of the evidence provided in the request for extradition, the irregularities in the AMIA investigation are likely to have weighted heavily in the British government's decision to deny the request.

30. Sergio Kiernan, *Seeking the Truth: The AMIA Bombing Goes to Trial* (American Jewish Committee, Mar. 2002) (referring to the investigating judge's admission that he destroyed evidence and burnt what he deemed "accessory and irrelevant elements"), available at <http://www.ajc.org/InTheMedia/PubTerrorism.asp?did=133> (last visited June 30, 2004); Juan Salinas, AMIA: El Atentado 255 (Editorial Planeta, 1997) (referring to investigation agents erasing the content of the electronic notebook of the man indicted for making the van used for the car-bomb, before the notebook was handed over to the judge). He also comments on evidence disappearing under the custody of the Federal Police. *Id.* at 218.

31. See Salinas, *supra* note 30, at 265, 346 (on the extortion of the investigating judge with a stolen videotape showing the judge offering a hefty compensation in exchange for a confession).

to probe into leads that led to high-ranking officials.³² The investigation of the case has been so flawed that the judge carrying it out was eventually removed from the case, his incompetence clear and his impartiality in question.³³ Impeachment proceedings were started against him based on the irregularities in his performance in the AMIA case.³⁴

It is obvious that government agencies and public officials bear key responsibility in the case — indirectly for letting the attack happen, and directly for impeding an adequate investigation to discover the perpetrators, whether through incompetence or by deliberately covering up the crime. Early in the case it became clear that agents of the Province of Buenos Aires Police Force had participated in criminal activity that at least facilitated the attack.³⁵ Agents of the Federal Police, who were supposed to be standing guard by the AMIA building, were inexplicably absent from their posts at the time of the bombing. Suspicions also abound on the role of the SIDE, the national intelligence service, due to its failure to prevent an attack it allegedly knew would happen, its role as conduit for the \$400,000 payoff mentioned above, and its lack of cooperation with investigators and prosecutors. The SIDE has even been accused of having not just known but also abetted the terrorists in their preparations for the attack, in the hope that SIDE agents would stop the bombing at the last moment, capture the terrorists, and earn a moment of glory.³⁶

32. The main thesis in Salinas' book, *El Atentado*, is that there is a "Syrian lead" that has not been adequately looked into, because important people in the government of former president Carlos Menem (including the president himself) had links to Syria. Salinas argues that there was an "unwritten order" not to investigate Syrian citizens or their children. SALINAS, *supra* note 27, at 421; Kiernan, *supra* note 26 (arguing that the United States and Israel preferred not to look into Syrian responsibility either).

33. Four former members of the Buenos Aires Police Force are on trial as "necessary parties" who, while not directly involved in carrying out the attack, provided assistance that was essential for doing it. They have allegedly obtained a stolen van and provided it to the terrorists who car-bombed AMIA; Braylan y Jmelnizky, *supra* note 2, at 30-31 (describing the charges for each policeman).

34. *Comenzó el Juicio Político al Juez Juan José Galeano*, LA NACIÓN ONLINE, May 14, 2004, available at http://www.lanacion.com/ar/archivo/resutados.asp?query=galiano&parser=literal&pager=10&publication_id=11560&fecha=14/05/2004 (last visited Nov. 15, 2004).

35. By mid-January 2004, at the beginning of closing arguments, the four former members of the Buenos Aires Police Force appeared likely to be at least charged with extortion of the man who allegedly sold the car, whom they permitted to deal in stolen vehicles in exchange for bribes. AMIA: *Kirchner abre los Archivos de la SIDE Pedidos por la Justicia*, Clarin.com, available at <http://old.clarin.com/diario/2003/06/06/p-01201.htm> (last visited Aug. 4, 2004).

36. This is the thesis of Claudio Lifschitz, a former law clerk of judge Galeano, the judge who was in charge of investigating the attack until he was removed from the case in December 2003. AMIA, *el Encubrimiento: La SIDE y Galeano, en la mira*, LA NACIÓN, July 13, 2003, § 7,

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For eight years, successive presidents showed no political will to find the truth behind the attack. Most recently, President Néstor Kirchner has taken steps, both symbolic and real, to show his administration's commitment to advancing the case. For example, responding to a request from AMIA and families of the victims, President Kirchner eliminated the immunity that allowed SIDE agents to avoid testifying in the case, and ordered the SIDE to provide the trial court with documents that had so far been kept secret.³⁷

VII. THE EXTRAORDINARY IMPACT OF A FAULTY INVESTIGATION

The obstacles impeding the proper investigation and resolution of the AMIA case are in essence no different from those that have affected many other cases in the Argentine law enforcement and judicial systems. Police corruption, government indifference or incompetence, politicized judges, and the impunity of public officials in high places are problems that have hindered many other investigations and trials. Nevertheless, the mismanagement of the AMIA case has affected the Argentine Jewish community in extraordinary ways.

First, although terrorist acts are a violation of a state's security and as such a matter that concerns the country in its entirety, the fact remains that the AMIA bombing specifically targeted the Jewish community. The impunity of the perpetrators of the attack has sent a signal that protecting the Jewish minority against aggression is not an important concern of the state. Further, although the lack of progress in the investigation is not necessarily due to anti-Semitism, it is not surprising that agents of the Argentine security forces appear to have contributed to the attack and to the difficulties in the investigation, given the reputation of Argentine security forces for anti-Semitism.

Second, successive administrations have been reluctant to treat the AMIA case as a state matter and have approached it rather as a problem that concerns almost exclusively the Jewish community. The administration of President Menem, for example, was extremely reluctant to jeopardize relations with Iran in spite of the increasing evidence that agents of the Iranian government and members of its diplomatic delegation in Argentina had been responsible for organizing the attack.³⁸ President

at 1, 6. Lifschitz accused the judge and the SIDE of having later taken steps to cover up the attack and lead the investigation away from the truth. *Id.*

37. *Kirchner at AMIA Ceremony*, BUENOS AIRES HERALD, July 19, 2003, at 1.

38. In 1998, at a time of rapprochement with the United States, and prodded by the local Jewish leadership and by the Israeli ambassador in Argentina, the Menem administration reduced

Kirchner's declaration that the AMIA bombing is the Argentine equivalent of the September 11 attack on the Twin Towers pleased the Jewish community in Argentina and abroad, because it signaled a new approach to the case.³⁹

Third, although Argentines perceive Jews as increasingly integrated in society, the attack managed to segregate Jews in very visible and damaging ways.⁴⁰ Security personnel and anti-car-bomb cement barriers have singled out Jewish institutions among those of local religious or ethnic minorities and among society at large, and are evidence of the Jewish community's unique vulnerability.

Finally, the attack on AMIA and the ensuing problems with the investigation had a very divisive effect among the families of the victims, and within the local Jewish community at large. The most salient of the resulting conflicts has pitted the group Memoria Activa against the community's official leadership — the former in favor of an uncompromising, confrontational and proactive approach towards the Argentine government, the latter also interested in solving the case but far more measured in its demands from local authorities. Allegations that a former Jewish leader compromised progress in the case due to his dependence on the government's favor for his bank business exacerbated community rifts even further.⁴¹

diplomatic relations with Iran to just one government official in its embassy in Tehran, and required that Iran do the same with its personnel in Argentina. Iran retaliated by ending trade relations, which had largely favored Argentina. Sergio Kiernan, *Todavía sin Justicia: A Cuatro años del Atentado a la AMIA* (American Jewish Committee, 1998), available at <http://www.atentado-amia.com.ar/avance/2000/texto02d.html> (last visited June 30, 2004). By 2000, under the administration of Fernando de la Rúa, trade relations were restored.

39. Discurso Completo de Kirchner en la ONU, Sept. 26, 2003, available at <http://old.clarin.com/diario/2003/09/26/p-630419.htm> (last visited June 9, 2004).

40. MARISA BRAYLAN & ADRIÁN JMEINIZKI, REPORT ON ANTI-SEMITISM IN ARGENTINA 2000-2001, at 35-36 (Buenos Aires, Sept. 2002) (reporting on a Gallup public opinion survey conducted in 2000 for the American Jewish Committee and AMIA). The survey found evidence of some anti-Semitism, but lower levels of rejection of Jews when compared to rejection of other ethnic or national groups, and a fairly high perception of Jews' integration into Argentine society. The authors indicate, however, "that the sharing of common spaces is decreasing, which shows that integration, in a sense, is only declaratory and that it diminishes taken to a more concrete ground." *Id.* at 37.

41. DIEGO MELAMED, LOS JUDÍOS Y EL MENEMISMO: UN REFLEJO DE LA SOCIEDAD ARGENTINA (2000) (emphasizing the "contradictory interests" of Rubén Beraja, then president of the DAIA (the Federation of Argentine Jewish institutions)); *id.* at 127-31 (emphasizing Beraja's belief that the welfare of the community required staying in good terms with those in power). Melamed also describes Beraja's downfall, largely brought about by Memoria Activa. *Id.* at 171-83; see also *infra* note 51 (discussing the rally that attracted attention to Beraja's passivity).

VIII. THE GLOBAL CONNECTION

The fact that Argentine Jews are part of a global Jewish community has had both negative and positive consequences. On the one hand, it has transformed the local community into a target of anti-Jewish and anti-Israeli terrorism. Although the local Jewish community has not traditionally been very Zionist, it is reasonable to conclude that whoever planned the attack against a Jewish target did it at least partly as an anti-Semitic reaction to Israeli policy in the Middle East.⁴²

On the other hand, once again Argentine Jews found a source of support in other Jews abroad, most markedly in the strong and well-organized Jewish community of the United States. Immediately after the bombing, for example, Rabbi Avi Weiss from the Hebrew Institute of Riverdale, New York, traveled to Argentina and confronted the government for having allowed the conditions of insecurity that had led to the attack. He brought with him letters from New York State Governor Mario Cuomo and from New York City Mayor Rudolph Giuliani demanding a prompt investigation of the bombing.⁴³ American Jews have also organized public rallies at Argentine consulates in several U.S. cities to commemorate the anniversaries of the attack and to denounce the lack of progress in the case. Similar public demonstrations have been carried out in Israel.⁴⁴ In anticipation of the tenth anniversary of the bombing, a petition for President Kirchner demanding redress was being circulated on the Internet, by a group that also organized a mission to Argentina to commemorate the anniversary.⁴⁵

42. The question of why terrorists chose a target *in Argentina* has received many answers. Some observers have emphasized that Argentina was a “soft target” because of the ease with which terrorists could move in and out of the country and find local support for an attack. Others have argued that Islamic states felt betrayed by what were perceived as anti-Muslim policies by then-president Carlos Menem — a Syrian-born Muslim, later converted to Catholicism; see Kiernan, *supra* note 25, (quoting a statement by the judge investigating the case, who argued that the suspension of a sale of a heavy water plant in Iran, the presence of Argentine forces in Operation Desert Storm, and Menem’s visit to Israel may have led to choosing Argentina as a target); see also Carlos Escudé & Beatriz Gurevich, *Limits to Governability, Corruption, and Transnational Terrorism: The Case of the 1992 and 1994 Attacks in Buenos Aires* (arguing that Menem’s cancellation under U.S. pressure of the Condor II ballistic missile project, from which Syria expected to benefit, led Syria to cancel its prohibition on using Argentina as a target for Hezbollah attacks), at http://www.tau.ac.il/eial/XIV_2/escude.html (last visited Aug. 19, 2004).

43. MELAMED, *supra* note 41, at 166.

44. *Id.* at 192.

45. AMIA Justice.org Petition, at <http://amiajustice.org>; (showing that in July 2004 there were over twenty-one thousand signatures collected). The petition is sponsored by Ami Yisrael Projects, a U.S.-based group that decided to respond to AMIA authorities’ feeling that the world,

The U.S. and global Jewish organizations have repeatedly spoken against the attack and the troubled investigation. The American Jewish Committee (AJC) has published annual reports on the AMIA case, and has recurrently confronted Argentine authorities about the lack of progress.⁴⁶ When the oral trial stage started, it sent two officials to attend the proceedings.⁴⁷ A large delegation of the AJC also attended the tenth anniversary of the bombing.⁴⁸

Some efforts were made to bring the weight of the government of the United States to bear upon the case. When President Bill Clinton visited Argentina in 1997, he held a meeting with local Jewish leaders, and he also joined First Lady Hillary Clinton at a meeting that she had scheduled with the families of the victims. A few months later a group of FBI investigators traveled to Buenos Aires to investigate the case and generate a report.

Memoria Activa resorted to the Inter-American Commission of Human Rights to move the case forward. Memoria Activa joined Human Rights Watch/Americas, CEJIL (Center for Justice and International Law), and CELS, a local human rights organization, to bring a complaint before the Commission claiming that the Argentine government had failed to meet its legal obligation to prevent and investigate the attack and punish its culprits. It further demanded an investigation that met standards recognized by the Commission.⁴⁹ At the beginning of the oral trial the Commission sent an observer who has had full access to the court records.

The impact of foreign pressure on the AMIA case has not been as large, as evident, or as easy to measure as the impact of foreign financial assistance on the local community's ability to cope with the economic crisis. Former President Menem's strong interest in maintaining good relations with the United States could arguably have given the United States leverage in demanding progress in the investigation, but no such

and particularly Jewish communities around the world, had forgotten about the bombing. E-Mail from the AMIA Justice Support Team to Carina J. Miller (Feb. 9, 2004) (on file with the author).

46. The annual reports are published in English and Spanish, and have been written by Sergio Kiernan, an Argentine journalist. They contain detailed updates on the case and its repercussions in the local Jewish community. See, e.g., Sergio Kiernan, *A Glimmer of Hope: The AMIA Bombing Five Years Later* (July 1999), available at <http://www.ajc.org/InTheMedia/PubTerrorism.asp?did=143> (last visited June 30, 2004); Kiernan, *supra* note 25.

47. Press Release, American Jewish Committee, American Jewish Congress to Attend AMIA Bombing Trial in Argentina, Sept. 20, 2001, available at <http://www.ajc.org/InTheMedia/PressReleases.asp?did=312> (last visited June 9, 2004).

48. *Una Delegación Internacional Pedirá Justicia a Kirchner*, LA NACIÓN ONLINE, July 11, 2004.

49. Memoria Activa Web Site, at <http://www.memoriaactiva.com>.

leverage was applied. According to Raúl Kollmann, an Argentine journalist well-versed on the AMIA case, the United States did not want to be too critical of a good ally. More importantly, it was not as concerned about global terrorism as it is now.⁵⁰

Foreign support and foreign scrutiny of the case did have an important indirect effect, however. Kollmann pointed out that public rallies in New York favored and strengthened Memoria Activa over the official Jewish leadership.⁵¹ This was important, because unlike the latter, Memoria Activa's was relentless in its demands from the government and in its condemnation of the investigation and the judge in charge of it. Memoria Activa has been unafraid of "naming names," and has drawn public attention to the deficient investigation, and to negligent and corrupt behavior by public officials involved in the case. Kollmann also credits Memoria Activa's uncompromising combativeness with the Argentine government's 1997 creation (however late) of a special anti-terrorist unit in the Federal Police Force. This unit obtained at least small advances in the investigation — among them, uncovering the suspicious enrichment of one of the policemen on trial for involvement in the bombing.⁵²

Sergio Kiernan, a journalist who has written extensively on the bombing and its aftermath, has noted that the involvement of the U.S. Jewish community in the AMIA case has forced top Argentine diplomats in the United States to inform themselves about the case and offer updates at regular meetings with senior leaders of the U.S. Jewish community. During the 1990s, the Menem Administration was preoccupied with maintaining its image in the United States and offered "announcements"

50. Kollmann argued that "there was some sort of bureaucratic collaboration with the investigation, but not a truly serious involvement in the search for the culprits." The U.S. government did have a political interest in incriminating Iran, and publicly maintained Iran's culpability in spite of the lack of uncontestable evidence. Kollmann pointed out that the FBI investigators who came to Argentina after President Clinton visited stayed only a week, a very short time to carry out an in-depth investigation. E-Mail from Raúl Kollmann, to Carina J. Miller, (Jan. 7, 2003) (on file with author).

51. *Id.*

52. *Id.*; see also MELAMED, *supra* note 41, at 173-77, 189 (pointing out that until then Judge José Galeano had counted with the support of only eight investigators to unravel the case). The creation of this anti-terrorist unit raised the number manyfold. The creation of this unit was a direct response from the government to events during the public rally commemorating the third anniversary of the attack. During the rally, a representative of Memoria Activa forcefully condemned the President and the Governor of the Province of Buenos Aires for condoning impunity. As the crowd jeered government officials and insulted Rubén Beraja, the head of the DAIA, for the perceived passivity of the official Jewish leadership, the public eagerness for knowing details about the government officials' responsibility in carrying out and covering up the crime became clear. *Id.*

and “small judicial gestures” every June and July, shortly before the anniversary of the attack. Further, the interest of the U.S. Jewish community was central to keeping the AMIA case in the public Argentine agenda throughout the last decade.⁵³

IX. CONCLUSION

Although victim of the same problems that have affected all Argentines — a devastating economic crisis, and inefficient and corrupt government officials — the Argentine Jewish minority has nonetheless been struck with a particular force. As it has tried to overcome its predicament, the community has reorganized and streamlined important parts of its institutional infrastructure. It also made effective use of financial and other support from Jewish communities in the United States and other countries. Being a relatively sophisticated minority — fairly well-educated and outward-looking on average — the community was also able to take proactive steps to obtain financial aid and other non-monetary support from non-Jewish sources.

In a globalized world where it is increasingly easy to disseminate information on one’s plight, and to send and receive economic, technical, and political support across borders, it is important to be able to use one’s connections abroad and to make new ones. Trans-border bonds stemming from a common national, ethnic or religious identity can be a very valuable resource — whether for Palestinians gathering diplomatic support, Salvadoran victims of a devastating earthquake seeking aid to rebuild their lives, or Argentine Jews trying to cope with a pernicious economic crisis and a judicial investigation gone awry. The Argentine Jewish community benefited from being part of a uniquely widespread network of international connections based on a shared religious identity. Its situation, however, is likely to become increasingly common for minorities in many countries, as immigration, better communications, and the many other facets of globalization allow minorities to harness international resources. Moreover, the fact that non-Jewish as well as Jewish resources were secured shows that the key for making use of an international network is not just the widespread international presence of the minority group, but its sophistication in joining the necessary networks. The lessons that the Argentine Jewish community has learned

53. Author’s telephone conversation with Sergio Kiernan, July 7, 2004 (notes on file with the author).

in recent years are lessons that can be used elsewhere by other minority groups facing crisis.

On September 3, 2004, all individuals charged with participation in the AMIA bombing were found not guilty, including Carlos Telleldín, the “chop shop” owner charged with having prepared the van used for the attack, and four policemen charged with having provided the van to the car-bombers. The Court based its verdict on numerous irregularities in the investigation, and particularly the payment of \$400,000 dollars to Telleldín in exchange for testimony incriminating the policemen. In its decision, the Court condemned several public officials in all three branches of government who contributed to developing a false solution to the case as a way of appeasing public demands, and requested a special investigation of their role in the case. The Court is expected to provide its full written decision within two months of its September 3 judgment.

