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Amy Crawford
University of Central Florida



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DEMOCRACY ON TRIAL: EXAMINING ARGENTINA'S RESPONSE TO
THE 1994 TERRORIST ATTACK ON THE AMIA JEWISH COMMUNITY
CENTER IN BUENOS AIRES

by

AMY CRAWFORD

A thesis submitted in partial fulfillment of the requirements
for the Honors in the Major Program in Political Science
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Abstract

On July 18, 1994, the Asociación Mutual Israelita Argentina (AMIA), the Jewish Community Center in Buenos Aires, was bombed in what has been called the worst terrorist attack on Argentina in history. The bombing killed an estimated 86 people and wounded over 200. The Argentine government began a judicial investigation and vowed to bring the perpetrators to justice. Twenty years later, the case remains unresolved. The investigation has been marked by inefficiency and allegations of corruption. The recent, suspicious death of the lead prosecutor of the case has further called into question the legitimacy of Argentina's government and justice system.

This thesis examines the Argentine government's response to the AMIA bombing in the context of Argentine politics. This thesis discusses Argentina's democratic stability, political performance, history of corruption, and economic situation as key factors in understanding the government's response to the AMIA attack and investigation. Argentina's response does not fit within the established models of a democracy's response to terrorism. Argentina's response, or lack thereof, to this terrorist attack is perplexing, but this surprising outcome may be explained by the country's political problems.

The findings of this thesis support the conclusion that the Argentine government's response to the AMIA case can be attributed to its functioning but flawed democracy and faulty political performance. Argentina has a history of political and police corruption and a weak judicial branch, which has hindered the effectiveness of the justice system and complicated the

AMIA investigation. The extent to which these factors have allowed corruption and economic interests to derail the investigation is still debated and offers an area for future research.

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Table of Contents

Introduction.....	1
Chapter 1: Framing the Puzzle.....	4
Literature Review: the AMIA Bombing in Academic Research	4
Press Review: the AMIA Bombing in the News.....	8
Historical Context and Timeline	11
1976-1983: Argentina’s Dirty War.....	11
1980s & 1990s: Restoring democracy and protecting human rights.....	11
1992: Israeli Embassy bombing.	12
1994-2015: AMIA bombing and significant case developments.	13
Chapter 2: Defining and Testing a Democracy.....	19
Democracy in Argentina	21
Theory: Democratic Response to Terrorism	26
Argentina’s Case	29
Chapter 3: Performance and Perception of the Political System	32
Argentina’s Political System and Intended Function.....	32
Politics in Theory and Practice.....	33
Public Opinion and Political Dissatisfaction.....	38
Chapter 4: Corruption	41
Political Corruption.....	41

Government Scandal and Police Corruption.....	42
Chapter 5: International Trade and Economic Factors	44
Political and Economic Context: 1989-2015	44
Economy under Menem’s administration.....	44
Economy in the shuffle of administrations from 1999-2003.....	45
Economy under the Kirchners’ administrations.	46
Theory on International Trade and Foreign Influence	48
Economics and Trade Allegations in relation to the AMIA Case.....	50
Conclusion	52
References.....	54

List of Tables

Table 1: Argentine Newspaper Coverage of the AMIA Investigation	9
Table 2: Freedom House Index, 1983-2015	22
Table 3: Economist Intelligence Unit Democracy Index, 2006-2014	25
Table 4: Argentina's GDP: 1983-2013	47

Introduction

On July 18, 1994, a bomb exploded in the Asociación Mutual Israelita Argentina (AMIA); the seven-story Jewish Community Center of Argentina in Buenos Aires collapsed. The explosion killed an estimated 86 people and injured over 200 people (Biancolini, Del Bosco & Jorge, 1999).¹ The bombing occurred shortly after AMIA's 100 year anniversary (Kramer, 1994). The building, located in the traditionally Jewish quarter of Buenos Aires, was the Jewish Community's central structure; it housed historical archives, records of the city's burial society, and social welfare offices as well as the Delegación de Asociaciones Israelitas Argentinas (DAIA) (Beck & Hendon, 1994; Kramer, 1994). The attack destroyed one of the largest collections of Jewish literature and cultural artifacts in Latin America (Beck & Hendon, 1994). To date, the AMIA bombing is recognized as the worst terrorist attack on Argentina in history (Kramer, 1994; Caro, 2009).² Two decades later, the perpetrators of the attack have been neither identified nor punished. The AMIA case remains unsolved and the investigation, if judged according to efficiency and output, appears to be of little concern to the Argentine government. Furthermore, in January 2015, Alberto Nisman, the lead prosecutor in the AMIA investigation, was found dead from a bullet to the head in his apartment, the night before he was to present a case before the Argentine Congress charging the government with obstructing the AMIA

¹ Exact numbers vary. Biancolini's, Del Bosco's & Jorge's medical study (1999) documents 86 deaths and over 200 wounded persons. A report released by El Centro por la Justicia y el Derecho Internacional (CEJIL, 2004) estimates that the bombing killed 85 and injured over 300. The highest death tolls are reported by Beck and Hendon (1994) and Kramer (1994), who write that the bombing killed 96 and 95 people respectively.

² This claim presumably excludes the state-sponsored terrorism that the Argentine government perpetrated against its own citizens, particularly during the Dirty War.

investigation and negotiating with the terrorists (Taylor, 2015). Twenty years later there is a thicker shroud of mystery than ever surrounding the bombing and the investigation. While many theories have emerged regarding the motivation for and perpetrators of the bombing, the most puzzling question is one that has received insufficient attention but one which holds significant implications on Argentine politics: why has the Argentine government mismanaged the judicial investigation and failed to respond to the most devastating terrorist attack on its country?

This thesis focuses on the reaction of the Argentine government to the AMIA attack and seeks to examine its response within the framework of Argentine politics. In this thesis, I will not address the copious allegations and conspiracy theories surrounding the circumstances, perpetrators, and motivations of the attack itself, particularly since such speculations are extensive and remain unproven. Likewise, this thesis will not attempt to solve the mysteries surrounding the bombing or offer conjecture regarding any one actor's guilt or blame in the attack. Rather, this thesis will examine the Argentine government's response to the AMIA attack in the broader context of Argentine politics; in the following chapters, I will discuss democratic stability, political performance, corruption, and international relations and trade as key factors which have influenced the government's response to the bombing. These factors provide insight on Argentine politics which helps explain, in part, how and why the government has taken so few and unsuccessful actions to prosecute the terrorists. Using the process tracing research method, I piece together information, trends, and structure and sequence of events in order to examine and explain Argentina's deviant response to this terrorist attack.

In the first chapter of this thesis, I will review the academic literature that addresses the AMIA bombing, discuss how the historical context of the AMIA bombing underscores the

perplexity of Argentina's response, and highlight the timeline of significant events to contextualize the developments in the investigation. In the second chapter, I will address the overarching presupposition that Argentina is a democracy; I will examine whether Argentina is a fully functioning democracy and whether Argentina's response in the AMIA case fits within the established models for how democracies respond to terrorism. In the third chapter, I will discuss the ideal, actual, and perceived performance of Argentina's political system. In the fourth chapter, I will discuss the role that corruption plays in Argentine politics, and I will examine how corruption influences Argentina's justice system. In the fifth and final chapter, I will examine the role in which international relations and trade may have on government behavior; I will discuss these factors particularly in light of recent allegations that the Argentine government's response has been manipulated by foreign influence and international trade. The findings of this thesis are mixed and rather inconclusive, as complete explanation of Argentina's response to the AMIA terrorist attack remains evasive. Evidence does indicate, however, that understanding the government's reaction to the bombing is best explained in the broader context of Argentine politics. This thesis highlights the need for increased scholarship on this topic in the future.

Chapter 1: Framing the Puzzle

Before examining the Argentine government's response to the bombing in light of democracy, politics, corruption, and economic factors, it is necessary to review prior research that has been conducted on the AMIA bombing in both academic literature and news sources. Following a discussion of academic theories and news coverage of the AMIA attack, this chapter will provide a brief overview of the timeline of events leading up to and following the AMIA bombing. The primary purpose of this section is to highlight previous research and explain the historical context and sequence of events in order to establish a contextual framework that will aid our understanding of the AMIA case in the following chapters.

Literature Review: the AMIA Bombing in Academic Research

Given the scope and impact of the attack, the bombing has not been as extensively examined by scholars as might be expected. The academic literature covering the AMIA attack largely falls into two categories: literature that examines the effect of the attack on the Jewish community and literature that views the attack as evidence of Middle East terrorist operations in Latin America. Literature from both categories generally views the bombing as an anti-Semitic terrorist attack. This literature analyzes the motivations and perpetrators behind the attack and the effect and widespread implications of the attack, rather than analyzing the role of the Argentine state in responding to and investigating the bombing.

As many scholars (Caro, 2009; Levitt, 2013; Miller, 2004; Kramer, 1994; Rensselaer, 2008) note, the AMIA bombing profoundly shook the Argentine and international Jewish communities and aroused concern regarding the emerging threat of radical Islamic groups in

Latin America. Miller (2004) names the AMIA bombing as one of the top two most urgent problems facing the Jewish community in Argentina (the second being the economic crisis of the early 2000s). Miller's study provides insight into the aftermath of the attack but largely focuses on the bombing's impact on the Jewish population and the response of the international community to the attack. Aizenberg (2007) explores how the Jewish community has sought to memorialize the tragedy through art, literature, and monthly vigils; there is no mention, however, of outcry, protests, or memorials organized by non-Jewish communities. Aizenberg observes that response to the AMIA attack is a "particularly knotty instance of the controversies surrounding remembering and forgetting on a continent often marked by narrow, authoritarian views of belonging" (2007, p. 109). The implication of this argument is that the degree to which the event has been remembered or forgotten is, in part, determined by those in power. Both Miller (2004) and Aizenberg (2007) blame the Argentine government for failing to identify and prosecute the perpetrators of the bombing. Miller notes that in the decade following the bombing, "the difficulty of finding out about the bombing was aggravated by repeated instances of public officials' indifference, negligence, and misconduct" (2004, p. 685). Similarly, Escudé and Gurevich attribute the fruitless investigation to government cover-ups, corruption, and even complicity (2003, p. 127). Escudé's and Gurevich's study avers that:

...in the investigation of the terrorist attacks, the deterioration of state authority is a variable that fed back into another, already documented factor of equal importance: government reluctance to advance in any direction that might prove incriminating (to the Menem administrations) or destabilizing (to either the Menem or the De la Rúa administrations). (Escudé & Gurevich, 2003, p. 135)

Escudé's and Gurevich's research highlights critical developments – and bumbles – of the AMIA case; however, the main argument is based in conjecture regarding potential motives and perpetrators of the attack. Such claims are difficult to substantiate. Beck and Hendon (1994) present their own theory that Buenos Aires was targeted, in part, because of its prominent Jewish population and its promise of publicity as well as Argentina's relaxed security precautions. Theories concerning the motives, perpetrators, and corroborators of the AMIA attack appear in virtually all of the literature surrounding the case but these conjectures remain unproven and are beyond the discussion of this paper.

In regard to the performance of the Argentine government in responding to this attack, many scholars (Brafman Kittner, 2007; Caro, 2009; Escudé & Gurevich, 2003; Fleischman, 1998; Miller, 2004) agree that the AMIA attack and investigation has been hindered by corruption. Escudé and Gurevich (2003) list corruption and police unaccountability as factors hindering the investigation, while Brafman Kittner (2007) goes even further and argues that government corruption precipitated the terrorist attack. Aside from conjecture, there is a shortage of research that examines the bombing in the context of Argentine politics.

Literature on the AMIA bombing predominantly focuses on Jewish identity and/or Islamic agenda, seemingly forgetting the Argentine aspect. Feldstein and Acosta-Alzuru (2003) argue that the Jews were used as a "scapegoat" and assert that the media portrayal of the bombing as a "Jewish problem" and anti-Semitism have influenced the "painfully slow" AMIA investigation (p. 152, 154). Certainly, Argentina does have a history of anti-Semitism that should not be overlooked (Freedom House, 1998; Timerman, 1981/1980; Brodsky & Rein, 2012). However, Argentina's government has made notable efforts to condemn anti-Semitism and

promote human rights, and this is evidenced by the fact that Argentina's current foreign minister, Héctor Timerman, is not only Jewish but is also the son of Jacobo Timerman, the famous Jewish writer, Dirty War prisoner, and human rights activist (La Nación, 2015; Timerman, 1981/1980). Thus, anti-Semitism is not the sole, simple answer for explaining the Argentine government's handling of the AMIA case. More research is needed on the Argentine response to the attack and the Argentine government's actions to investigate the AMIA bombing. This thesis seeks to fill some of those gaps by focusing on Argentina's actions in responding to and investigating the attack. This thesis proposes that these actions can be best understood when examined in the framework of Argentine politics. How (or if) the political constitution of the Argentine state has influenced government response to the attack is an area of research that should be developed in academic literature. Given the limitations of academic research specifically analyzing the Argentine government's response to the AMIA bombing, I have decided to investigate the academic literature in broader research areas pertaining to the bombing response and case development. The subsequent chapters will draw from literature on democracies, literature on the judicialization of politics and the judiciary, literature on political and police corruption, and literature on international trade and foreign influence respectively. Discussing literature from each of the aforementioned fields will provide this paper with the necessary framework for understanding the politics of Argentina. Argentina's response to the AMIA bombing cannot be analyzed without significant attention to the country's political context and the political actors operating on, within, and perhaps even against the bombing investigation.

Press Review: the AMIA Bombing in the News

Having reviewed academic literature pertaining to the AMIA bombing, we must now examine how the AMIA bombing was highlighted in news sources. For many domestic and international audiences, the AMIA bombing could be overlooked or brushed aside as a tragedy of the past if it were not for the truth commission in 2013 and the accusations and sudden death of AMIA prosecutor Alberto Nisman in January of 2015. Recent events have triggered a surge in national and international coverage of the AMIA case. In fact, thousands of people gathered in Buenos Aires on February 18, 2015 to show solidarity with Nisman's family and to protest government irregularities and suspicious conduct in the investigation (La Nación, 2015). Recent events, while drawing more attention to the investigation, highlight more questions than answers. One question is why has Nisman's death seemingly sparked more national protest and global outcry than the 85 deaths in the AIMA attack? We can see the vastly differing reactions of the public and the media to both events by examining media coverage of the AMIA case since 1994.

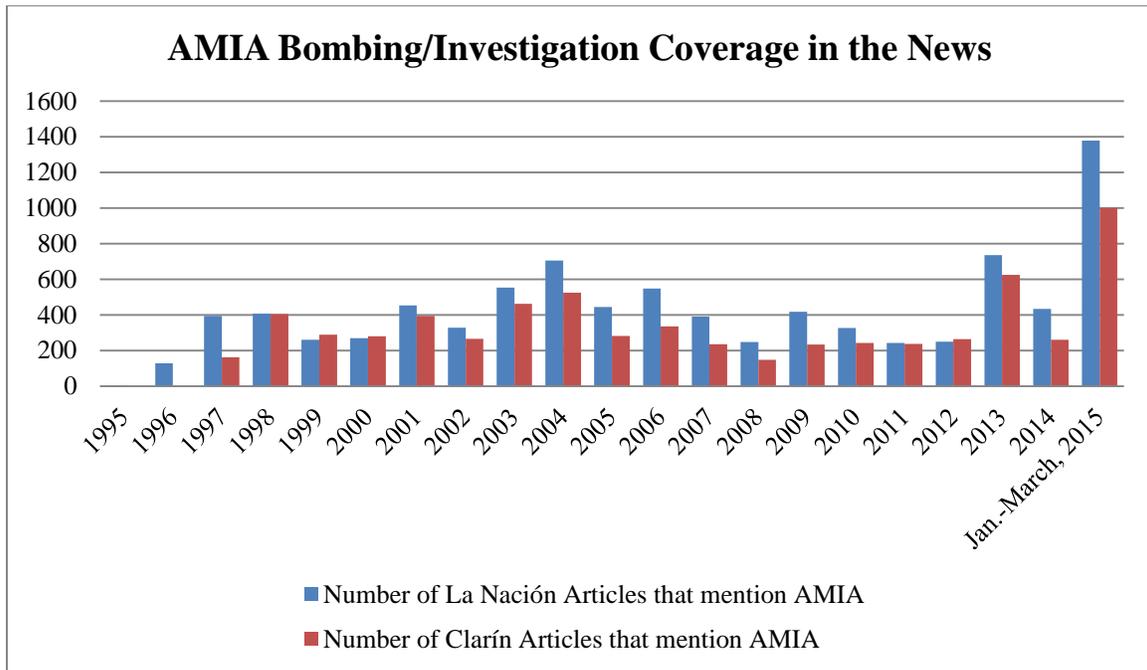


Table 1: Argentine Newspaper Coverage of the AMIA Investigation (La Nación, 1995-2015; Clarín, 1997-2015)

The table above examines the frequency per year that *Clarín* and *La Nación*, key Argentine newspapers, covered the AMIA bombing investigation. I gathered this data by searching the *Clarín* and *La Nación* archives for all articles containing the keyword “AMIA” from their earliest internet records (1997 and 1995 respectively) to 2015. I then sorted the articles per year and counted how many articles mentioned the AMIA case in each given year. The *Clarín* and *La Nación* data is helpful because it offers a representative sample of general, mainstream Argentine media coverage of the investigation in the two decades following the attack. *Clarín* and *La Nación* are the top two daily print and online newspapers in Argentina respectively (Boczkowski & DeSantos, 2007). From Table 1, we are able to gain perspective on which years the media focused more attention on the AMIA investigation. Interestingly, the case

has received unprecedented attention this year. *La Nación* published 1,379 articles mentioning the AMIA case from January 1-March 31, 2015, and yet it only mentioned AMIA in two articles in 1995, the year following the bombing. Similarly, *Clarín* published 999 articles that mention AMIA from January to March 2015, over five times as many articles as it published on the bombing the first year that its online newspaper launched in 1997. However, it should be noted that since *La Nación's* online database only dates back to 1995 and *Clarín's* to 1997, I was unable to view articles written immediately following the bombing in 1994. Following the data and media coverage, we could argue that the top three most significant years in the AMIA case in the last 20 years are: 2015, 2013, and 2004. This seems a reasonable inference when we consider that 2015 marked Nisman's allegations against the government and subsequent death (La Nación, 2015); 2013 marked the proposal of Argentina's truth commission with Iran to diplomatically investigate the AMIA attack (Popper, 2013), and 2004 marked Nisman's appointment by President Néstor Kirchner as prosecutor over the AMIA case following the dismissal of Judge José Galeano ("Nisman's death reshapes AMIA case," 2015). It is interesting to note that none of these events revealed anything about the investigation into the attack. Rather, the mere announcement of new approaches to solving the case has spiked media attention: a new lead prosecutor, a new agreement, and finally, an unprecedented announcement of new evidence followed by the sudden death of the prosecutor. This further underscores the lack of progress surrounding the investigation and the inefficient actions of the Argentine government. The following discussion will focus on the historical context in which the AMIA bombing occurred and the sequence of events that followed the bombing and investigation.

Historical Context and Timeline

1976-1983: Argentina's Dirty War. The Argentine government's response to the AMIA attack is particularly puzzling given Argentina's recent emergence from the Dirty War and its increased emphasis on reestablishing democracy and protecting human rights in the 1990s, as well as the fact that the AMIA bombing occurred just two years after a similar bombing on the Israeli Embassy in Buenos Aires. Considering the Dirty War as the historical backdrop of the AMIA attack illustrates the perplexity of Argentina's response to the AMIA bombing as well as the contradictions between the Argentine government's discourse and behavior. The Dirty War refers to Argentina's period of military dictatorship, which was established following the military coup in 1976 and lasted until Argentina's return to democracy in 1983. These seven years of military rule were marked by oppression and violence. Any who were even suspected of political dissent or government opposition were subject to kidnapping, torture, and death (Timerman, 1981/1980). During the Dirty War, an estimated 30,000 people disappeared as a result of government kidnappings and killings (Escudé & Gurevich, 2003; Humphrey & Valverde, 2007, p.179). Even today, the mothers of the disappeared continue to protest in the Plaza de Mayo, demanding that the government provide them with information regarding the fate of their disappeared children (Bondrea & Duda, 2014).

1980s & 1990s: Restoring democracy and protecting human rights. In the decade leading up to the AMIA attack, Argentina had emerged from this dark period in its history and was striving to reestablish itself as a democracy. There was increased political discourse on defending human rights, and Argentina's government was eager to reestablish democratic principles and demonstrate to the public and to the world its commitment to justice (Nino, 1991).

The trials constituted positive signs for the country and its democracy: the government was trying military juntas, and there was an increasing national emphasis on human rights and democratic ideals. Despite the difficulties encountered throughout the process of putting its military on trial, the Argentine government demonstrated overall commitment to accountability, justice, democratic stability, and the judicial process (Nino, 1991). Thus, it is perplexing that, within this context, the Argentine government did not promptly and efficiently respond to the AMIA bombing as a terrorist test of its democracy and as a violation of human rights. The scarcity of public protest is also surprising; given Argentina's demonstrated civic activism, one would expect the people to protest government bungling of the bombing investigation, but such protests have largely been absent outside of the Jewish Community (Gurevich, 2005). Mallinder (2009) offers an interesting perspective on this puzzle, citing government cover up and police brutality against protestors in the AMIA case as evidence of the "erosion of accountability and transparency in all branches of government" that existed under President Menem in the 1990s (p. 134). However, Mallinder also notes that, "since the mid-1990s, the human rights agenda has seen notable successes, culminating in the annulment of the amnesty laws and pardons and the re-opening of trials for human rights violations" (2009, p. 135). Thus, even if the Argentine government's response to the AMIA bombing in the 1990s can be explained by corruption within the Menem administration, this does not explain why 20 years later, the government – across all three branches and through multiple administrations – has still failed to obtain justice and resolve the AMIA investigation.

1992: Israeli Embassy bombing. The government's lack of response to the bombing is even more surprising given that the AMIA attack was the second terrorist bombing in Buenos

Aires in two years. In 1992, a bomb exploded in the Israeli Embassy in Buenos Aires, killing an estimated 28-30 people and wounding over 200 (Sullivan, 2009, p. 4; Feldstein & Acosta-Alzuru, 2003, p. 154). Hezbollah and Iran were the leading suspects in this attack. Thus, following the 1994 AMIA bombing, the two bombings were promptly linked by scholars, popular allegations, media, and the official investigation (Levitt, 2013; Sick, 2003; Sullivan, 2009, p. 4; Feldstein & Acosta-Alzuru, 2003). The reoccurrence of such a strikingly similar, yet even more devastating, terrorist attack just two years after the Israeli Embassy bombing should have underscored the urgency of the bombing investigations and the necessity of a swift, firm response by the Argentine government. Yet, like the AMIA case, the Israeli Embassy bombing investigation saw little development and remains unresolved. The website established by the Argentine government to commemorate the two attacks passionately proclaims: “The whole country clamors for justice, to redeem the past and protect the future. 2 bombs, 107 dead. All the perpetrators must be found” (Special Investigating Unit, n.d.). The government’s actions, however, have sent a different message.

1994-2015: AMIA bombing and significant case developments. Following the AMIA bombing, the Argentine government responded to the terrorist attack as a criminal case; the case was assigned to the courts, classified as a “double aggravated homicide,” and Judge José Galeano was appointed as the chief prosecutor in the case (Levitt, 2013, p. 75). However, the first years of the investigation were marked by scandal and mismanagement. Laura Ginsberg, a leader of Memoria Activa, a group founded to commemorate the victims, expressed the community’s frustration in an interview:

All the victims' families nurtured the hope that someone who was less afflicted personally by the pain would be able to take command and press the government, so that the causes and perpetrators of what occurred on July 18 would become known. With the passing of time, however, we realized nothing was going on....Different modalities of protest grew as we came to understand that there were no results and that we confronted many limitations....We spoke to all of those whom we believed could support us, until on October 18, 1995, we formally presented ourselves as plaintiffs. (Gurevich, 2005, p. 19)

The overall evidence pointed to Iran, Syria, and Hezbollah, a Lebanese radical Shiite Islamic terrorist group, as the primary suspects of the attack (Escudé & Gurevich, 2003). Ultimately, the investigation focused in on Hezbollah as the masterminds of the attack and blamed Iran for funding terrorist operations (Barrionuevo, 2009; Caro, 2009). In fact, both the 1992 Israeli Embassy bombing and the 1994 AMIA bombing were attributed to Hezbollah with alleged assistance from Iran (Sick, 2003). In May of 1998, the Argentine government expelled seven Iranian diplomats from the country for involvement in the attack (Madani, 2000, p. 1).

In 1999, Memoria Activa, along with el Centro de Estudios Legales y Sociales (CELS) and el Centro por el Derecho y la Justicia Internacional (CEJIL), presented a petition before the Inter-American Commission on Human Rights, charging the Argentine government with responsibility for the bombing (Grossman, 2005, p. 1). Four years passed before their petition was heard before the Commission. Meanwhile, in 2003, Judge José Galeano was officially impeached after attempting to bribe a police officer to falsely testify against other police officers in the AMIA case and has since been tried for obstruction of justice (Levitt, 2013, Caro, 2009).

Judge Rodolfo Canicoba Corral replaced him and assigned a team of prosecutors to investigate the case (Levitt, 2013, p. 77). President Néstor Kirchner appointed Alberto Nisman to lead the team of prosecutors (“Nisman’s death reshapes AMIA case,” 2015).

In 2005, the Inter-American Commission on Human Rights heard the AMIA petition that had been filed in 1995. Charges included Argentina’s violation of human rights including: the right to life, the right to physical integrity, the right to due process, and the right to effective judicial guardianship (El Poder Ejecutivo Nacional, 2005, p. 1). Dr. Claudio Grossman, professor and dean at American University and former president of the Inter-American Commission, exclaimed in his review of the case:

Las dificultades para hacer justicia en este caso, emblemático en la lucha contra la impunidad, son innumerables. Bastaría decir que a más de diez años de que ocurrieran los hechos, las dificultades de reorientar una investigación son extraordinariamente difíciles por el solo paso del tiempo, que ha permitido a los autores de este criminal ataque terrorista amplias oportunidades de esconder sus huellas. (Grossman, 2005, p. 103 *via* El Poder Ejecutivo Nacional, 2005, p. 2)

At the time of his report, 10 years had passed since the initial terrorist attack, and, as he notes, the mere passing of time poses a daunting enough obstruction to solving the case (Grossman, 2005, p. 103). CEJIL argued in a statement released in 2004 that, since Argentina had signed and ratified “la Convención Americana sobre Derechos Humanos” (the American Convention on Human Rights), the Argentine government ought to be held responsible for protecting and securing the right to life, the right to justice, and the right to honesty and truth (CEJIL, 2004). The statement further argued that Argentina’s mismanagement of the AMIA

attack ought to call Argentina's attention to structural deficiencies within the its executive, legislative, and judicial branches which, if left unchecked, would hinder liberty and democracy (CEJIL, 2004). The hearing before the Inter-American Commission on Human Rights occurred on March 4, 2005, and the Argentine government officially accepted responsibility before the Commission (Grossman et al., 2007, p. 1424). Grossman et al. (2007) highlight in their review of the case:

The Argentine state formally accepted its responsibility regarding the attack perpetrated on July 18 on the seat of AMIA for failure to comply with the duty of prevention, taking into account that two years before there had been a terrorist attack against the Israeli Embassy in Buenos Aires. Furthermore, the Argentine State accepted the existence of a serious and deliberate cover-up from the authorities in charge of investigating the unlawful act, which meant a clear denial of justice. (p. 1424)

Following the hearing, President Néstor Kirchner published Decree No. 812/2005 (Decreto 812), which outlined the measures that Argentina would adopt to admit responsibility, advance the AMIA investigation, and prevent the reoccurrence of a similar attack (Grossman et al., 2007, p. 1424). Due to the ready compliancy of the Argentine state, the AMIA case is "celebrated" by the Inter-American Commission on Human Rights (ibid). However, the definition of "responsibility" (Grossman et al., 2007, p. 1424) remains unclear and the sincerity and success of these measures is still debated.

In 2006, Nisman formally accused Hezbollah of perpetrating the attack with assistance from Iran (Taylor, 2015). Despite Iran's denial of the charges, Interpol issued red notices for the five Iranians wanted by Argentina (Sullivan, 2009, p.4). In 2013, the Argentine Congress

approved a “truth commission” with Iran in which the two countries agreed to work together to solve the case (Popper, 2013). The truth commission, as outlined in the signed “Memorandum of Understanding” between Argentina and Iran, was to be comprised of five commissioners and two additional members who were to be appointed by each country but were not to be nationals of either country (“Argentina, Iran sign agreement toward solving AMIA case,” 2013). This action was a surprising political move by Argentina which renewed international media coverage of the AMIA case. During this period, two different branches of the Argentine government were employing two different approaches to solving the bombing: while Congress was developing a binational pact with Iran to solve the case, the judicial investigation was still ongoing under the direction of Nisman. In 2014, an Argentine appeals court ruled the pact between Iran and Argentina as unconstitutional and struck down the “Memorandum of Understanding” and its proposed truth commission (Slater, 2014). On January 14, 2015, Alberto Nisman filed a complaint against the Argentine government for covering up the attack. He issued a statement, declaring, “The president and her foreign minister took the criminal decision to fabricate Iran’s innocence to sate Argentina’s commercial, political and geopolitical interests,” (Taylor, 2015). He scheduled an appointment to present his case before Congress for the following week. As part of the case, he had compiled a 289 page report which he claimed contained evidence that incriminated the Argentine government for secretly negotiating with Iran and agreeing to cover up the guilt of the perpetrators as part of a trade agreement in which Argentina would receive cheap oil in exchange for grains (La Nación, 2015). Before he could fully explain his allegations or present evidence supporting his bold claims, Nisman was dead. On January 18, 2015 – one day before his meeting with Congress – Nisman was found dead in his apartment from a bullet

shot to the head (La Nación, 2015). The official cause of death was ruled to be suicide; however, this verdict was highly controversial and provoked public protests (La Nación, 2015). As of the writing of this thesis, the cause of Nisman's death remains under investigation. To date, no one has been convicted for the AMIA bombing ("President Fernández Accused of Cover Up in AMIA Bombing Case," 2015).

Chapter 2: Defining and Testing a Democracy

Now that we have established context by reviewing how the AMIA attack has been covered in academic and news sources and by highlighting the historical backdrop and significant developments in the investigation, we must proceed to a discussion of democracy and polyarchy. Defining democracy and examining Argentina's democratization is crucial to the discussion of this thesis, since the greatest presupposition in investigating the actions of the Argentine government is that Argentina is, in fact, a fully functioning, stable democracy. This section will examine the following questions:

1. Is Argentina is a fully functioning democracy?
2. How should we expect a democracy to respond to a terrorist attack?
3. How does Argentina's response to the AMIA bombing correspond to theory on democratic response to terrorism?

Democracy is a term that is notoriously difficult to define because, as Robert Dahl notes, "it seems impossible to find terms already in use that do not carry with them a large freight of ambiguity and surplus meaning" (Dahl, 1970, p. 9). Dahl proposes that a democracy is a hypothetical political system that is "completely or almost completely responsive to all its citizens" and that "a key characteristic of a democracy is the continuing responsiveness of the government to the preferences of its citizens, considered as political equals" (1971, p. 1-2). Obviously, the existence of such an ideal system is debatable. For this reason, Dahl uses the term "polyarchy" to define a political system that demonstrates both inclusiveness (participation) and liberalization (public contestation) (1971, p. 7). The word "polyarchy" derives from the Greek

words for “many” and “rule;” thus, the term refers to the “rule of many” and distinguishes the political system from a monarchy, oligarchy, or aristocracy (Dahl, 1998, p. 90). Dahl defines polyarchies as “relatively (but incompletely) democratized regimes” (1971, p. 8). Dahl explains that while “democracy” might appear to be the institution that exemplifies the high levels of participation and public contestation, he uses the term “polyarchy” because democracy may be measured by more than these two dimensions and because he does not believe that any “large system in the real world is fully democratized” (1971, p. 8). Thus, his proposed figures on the two theoretical dimensions of democratization and on liberalization, inclusiveness, and democratization promote the concept of polyarchy that allows for ranges of democratized regimes (Dahl, 1971, p. 6-8). Denk (2012) notes in his review of polyarchy that “Dahl developed the concept of polyarchy to further specify the distinction between democracy as an ideal system and the institutional arrangements that are regarded as an imperfect approximation of an ideal, but also to identify the most basic requirements for democracy at a national level” (Denk, 2012, p. 3459).

In order to be consistent with the terminology used in the literature (excluding Dahl) discussed in this thesis, I will continue to use the term “democracy” in reference to the actual political system, rather than reserving the term, as Dahl does, for the ideal, hypothetical system. Nonetheless, the concept of polyarchy provides us with a unique perspective on understanding Argentina’s democratization. Applying this concept, we could argue that Argentina is an example of a polyarchy that, at times, demonstrates higher levels of inclusiveness and liberalization than others. Thus, imperfections in its political system are to be expected since it is

a polyarchy and not a perfect democracy. As such, shortcomings do not necessarily negate its democratization but rather reveal its changing status on the spectrum of democratization.

Democracy in Argentina

Argentina has experienced a shaky history of democratization, since it experienced various military coups in the nineteenth and twentieth centuries and endured the cruel, repressive rule of the military dictatorship from 1976 to 1983 (Humphrey & Valverde, 2007, p.179). Prior to the military dictatorship, Dahl described Argentina's profile in 1971 as mixed, "more favorable for polyarchy in some respects, less favorable in others" (Dahl, 1971, p. 201). Since the end of the military dictatorship and the re-establishment of democracy in 1983, the government has undergone significant changes to restore democracy, pursue justice, and protect human rights (Nino, 1991). Data and democracy indexes from Freedom House and the Economist Intelligence Unit indicate that Argentina is indeed a functioning democracy with a high level of civil liberties and political rights. Looking at the graph below, we can examine Argentina's freedom index from 1983 through 2015 according to the Freedom House Index. Freedom House is an organization committed to measuring and advocating democracy around the world, and the Freedom House Index is commonly used to measure polyarchy (Freedom House, 2015; Denk, 2012).

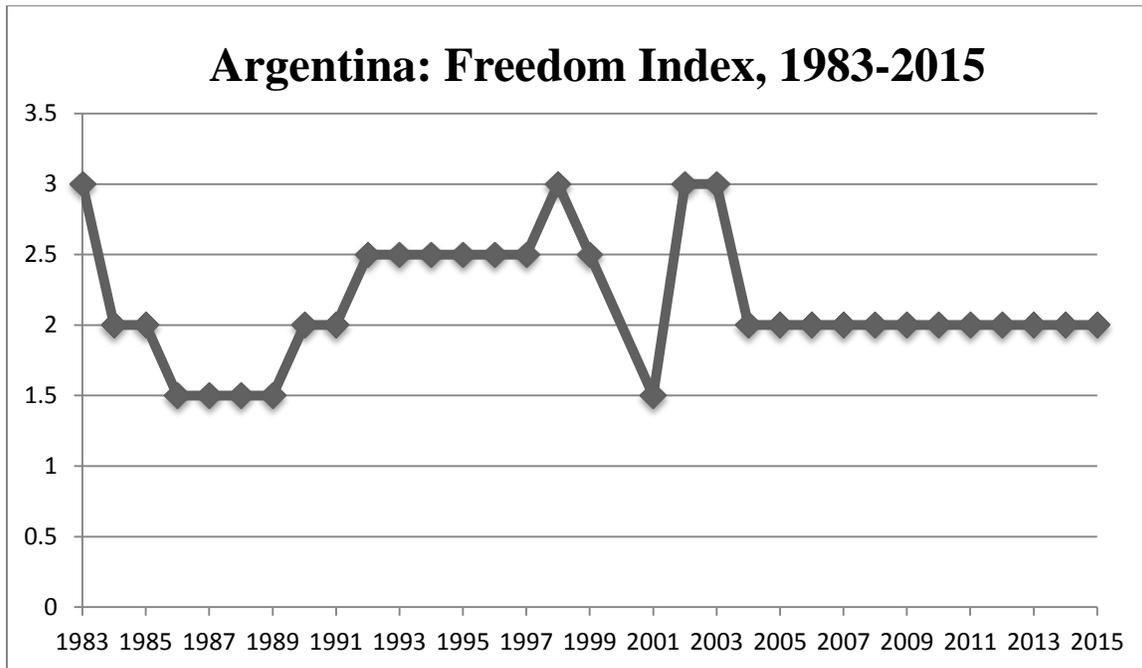


Table 2: Freedom House Index, 1983-2015

This table illustrates Argentina’s freedom rating over the past 17 years. In 1998, Freedom House released its first annual report documenting Argentina’s rating of freedom in the world. The Freedom House index rates the level of civil liberties and the level of political rights in a specific country on a scale of one to seven with one being the best and seven being the worst. The overall freedom rating is found by averaging these two numbers. Since Argentina’s re-establishment as a democracy in 1938, Argentina experienced the highest level of freedom in 1986, 1987, 1989, and 2001 with a score of 1.5 and it experienced its lowest levels of freedom in 1998, 2002, and 2004. For the purpose of this discussion, it is insightful to examine what factors influenced the changes in ratings between years 1998 to 1999, 1999 to 2001, 2001 to 2002, and 2003 to 2004.

In 1998, Argentina received a rating of three due to government corruption. This corruption includes the suspicious suicides of “three key witnesses in earlier government

corruption cases” (Freedom House, 1998). President Carlos Menem’s circumventing the legislative branch and stocking the Supreme Court are listed as examples of overly authoritarian power that undermined the separation of powers. The report notes that “In general, the judicial system is politicized, inefficient, and riddled with the corruption endemic to all branches of government” (Freedom House, 1998). Police misconduct and lack of accountability are also listed as prominent problems. Interestingly, the report concludes with mention of the AMIA bombing:

The investigation of a 1994 car bombing of a Jewish organization has languished in part due to poor police work at the crime scene, but also reportedly in part due to complicity by members of the security forces with the terrorists....The 250,000-strong Jewish community is a frequent target of anti-Semitic vandalism. Neo-Nazi organizations and other anti-Semitic groups remain active. (Freedom House, 1998)

Argentina experienced the greatest number of changes to freedom ranking from 1998 to 2004, with its ranking changing four times in six years. These were turbulent years for Argentina’s democratic stability. Its freedom rating improved from 1998 to 1999 due to the smooth transition of power from President Carlos Menem of the Peronist Party to Fernando de la Rúa, the new president elect from the multiparty opposition Alliance (Freedom House, 1999). This peaceful transition of power between political opponents caused the political rights rating to improve from three to two (Freedom House, 1999). The report was not conducted in 2000, which is unfortunate given the variability demonstrated between 1999 and 2001. Argentina received its best score of all the years of its assessment (1998-2015) in 2001 with a score of 1.5. The year 2001 marked improvements in Argentina’s political rights (ratings changed from two to one) as

well as its civil liberties (from three to two). These improvements resulted from “efforts to curb opportunities for congressional and executive branch corruption,” namely, improved laws and regulations, and greater freedom of the press (Freedom House, 2001). In 2002, the rating worsened from 1.5 to three, changing Argentina’s status from “free” to “partly free” (Freedom House, 2002). This sudden change resulted from President Fernando De la Rúa’s resignation, an “abject absence of professionalism in the judiciary, particularly in the Supreme Court,” and an increase in crime, police misconduct, and general public insecurity (Freedom House, 2002). In 2003, the rating of two remained consistent due to the continued absence of an elected president in office. In 2004, Argentina’s freedom rating improved to two due “the stabilization of the country’s electoral democracy” and the government’s demonstrated efforts to counter corruption and implement military and police accountability (Freedom House, 2004).

Argentina’s freedom rating has remained at two since 2004. While ratings have remained consistent, the years 2005 and 2007 include notes on the trends and indicated direction of the country. The index gave Argentina an “upward trend arrow” in 2005, predicting its level of freedom to improve due reforms within the judiciary (Freedom House, 2005). However, in 2007, this trend arrow changed to a “downward trend arrow,” due to President Néstor Kirchner’s efforts to consolidate power in the executive branch which limited the autonomy of the legislative and judicial branches.

Similar to Freedom House’s Freedom Indicator, the Economist Intelligence Unit also produces a Democracy Index, which rates countries on a 0-10 scale with 0 being a low level of democracy and 10 being the highest level of democracy. These ratings are based on: “electoral process and pluralism; civil liberties; the functioning of government; political participation; and

political culture” and ratings are used to classify regimes into four types: full democracies, flawed democracies, hybrid regimes, and authoritarian regimes (“Democracy Index 2014: Democracy and its discontents,” 2015, p. 1). Argentina’s ratings on the Economist Democracy Index from 2006 to 2014 are illustrated in the graph below:

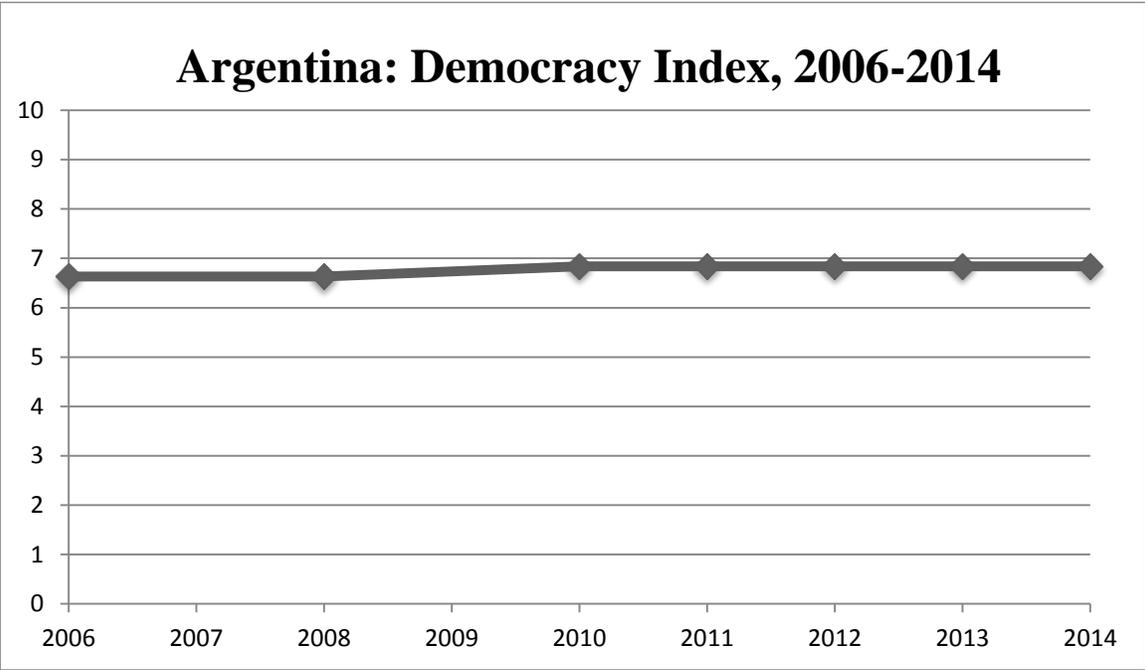


Table 3: Economist Intelligence Unit Democracy Index, 2006-2014

Although the Economist’s Democracy Index does not encompass as many years as the Freedom House’s Freedom Index does, we can still see that the findings support the same conclusion: that Argentina is a functioning democracy. In fact, both ratings illustrate the stability of the country’s democratic progress in the twenty-first century. However, the Economist Intelligence Unit’s Democracy Index offers a telling clarification; according to its Democracy Index, Argentina is classified as a “flawed democracy” (“Democracy Index 2014: Democracy and its discontents,” 2015, p. 5). Thus, research from Freedom House supports the

presupposition that Argentina is a fully functioning democracy, and research from the Economist Intelligence Unit supports the presupposition that Argentina is a flawed democracy. Viewing Argentina's democracy as functioning but flawed will facilitate our understanding of its actions in the AMIA case.

If Argentina is, indeed, a democratized political system, then we must proceed to a discussion of how Argentina would be expected to respond to the AMIA bombing. To answer this question, we will survey scholarly theories on how democracies respond to a terrorist attack on its soil.

Theory: Democratic Response to Terrorism

This section will discuss democracy literature and theories regarding how a democracy should be expected to respond to a terrorist attack. The first theory suggests that a democracy will respond to a terrorist attack by "rallying around the flag" (Chowanietz, 2010, p. 693). Chowanietz studied responses of the political elite in 181 terrorist events in five different countries and found that politicians band together in response to a terrorist attack to unify the country in times of crisis. Although Chowanietz's study shows that repeated attacks are more likely to result in "railing against the government" (political parties criticizing the government), the study concludes, that "rallies around the flag are the rule" (Chowanietz, 2015, p. 673). This reaction especially held true in larger terrorist attacks, with larger numbers of fatalities strengthening the rallying effect (Chowanietz, 2015, p. 685). A recent example of public and political rallying around the flag in response to terrorism can be seen in the reaction that followed three days of terrorist attacks in Paris which killed 17 people ("Paris attacks: Millions

rally for unity in France,” 2015). Following these attacks, the nation of France responded in outcry and rallied the world in a unity march that brought together millions of people including government leaders from across the globe (“Paris attacks: Millions rally for unity in France,” 2015). The rally theory has particularly been applied to the United States’ response to the terrorist attacks on September 11, 2001 (Hetherington & Nelson, 2003, p. 37). Following this theory, the rallying effect leads to an increase in the public approval rating of the president perhaps due to surges in patriotism as well as hesitancy of opposition law makers to criticize the nation’s leader and undermine national unity (Hetherington & Nelson, 2003, p. 37-39).

Another theory proposes that in the event of a terrorist attack, governments may make concessions to terrorist demands (Abrams, 2012). Coercion literature presents divided conclusions on the effectiveness of terrorism (Abrams 2012, p. 367). Abrams argues that terrorism is an inefficient tactic that “fails to induce government compliance” and “outcome goals” (Abrams, 2012, p. 382). Rose and Murphy (2007) refute this broad claim; they point to Spain’s withdrawal of troops from Iraq following the metro bombings in Madrid in 2001 as evidence that, contrary to Abrams’ study (2012), “partial terrorist success is possible” (Rose & Murphy, 2007, p. 185). Abrams contends that government cooperation with terrorist demands is the exception rather than the rule (Abrams, 2012). Pape (2003) notes that “While suicide terrorism has achieved modest or very limited goals, it has so far failed to compel target democracies to abandon goals central to national wealth or security” (p. 356).

The final theory discussed in this thesis on a democracy’s response to terrorism is that a democratic government will attempt to publically, promptly respond to an attack on its civilians in order to make a pronounced stance against terrorism and to inspire hope in the government’s

competence among civilians. Following this line of thought, we may expect for a state to implement counterterrorism policies to increase national security. Gregory (2010) finds in his case study of France that citizens “[accept] the compromise of individual liberty for the collective good” in order to strengthen the “counter-terrorism apparatus of the state” (Gregory, 2010, p. 134). Thus, democratic governments react by adopting hardline policies to assure its citizens that it is taking great efforts to ensure their security against terrorist attacks. Over time, however, democracies are shown to shift in their response to global terrorism in a “pendulum fashion,” reacting first by regarding security as the highest priority and later responding with a return to giving individual liberty precedence (Matthew, 2005). Pape (2003) notes, however, that neither military offensive nor concessions are sufficient for combatting terrorism, specifically since suicide terrorism, a rising terrorism strategy since the 1980s, is difficult to prevent, and suicide terrorists are unlikely to be intimidated by threats of retaliations (p. 343, 356).

There are three traditional models of counterterrorism approaches employed by democracies: the reconciliatory model, the criminal justice model, and the warfare model (Perliger, 2012, p. 494). The reconciliatory model deals with terrorism as a political issue and seeks to resolve the problem through diplomats and policymakers. The criminal model responds to terrorism as a crime and seeks justice through police, the courts, and the criminal justice system. The warfare model regards terrorism as an act of war and responds with “covert services and military units” (Perliger, 2012, p. 494). Perliger (2012) argues that weak democracies are more likely to respond to a terrorist attack with forceful measures while strong democracies tend to avoid “exceptionally forceful or hardline measures” (p. 503). Both weak and strong democracies, according to Perliger’s study, most commonly employ a “combination of

counterterrorism measures...hard-line operational measures with a limited legal antiterrorist framework” (Perliger, 2012, p. 503). These three traditional models of counterterrorism are significant because they provide us with a framework for understanding Argentina’s response to the AMIA bombing from a counterterrorism perspective. By applying theories and the three models of counterterrorism to Argentina’s case, we can identify which model Argentina followed and whether Argentina’s response aligns with that of a democracy.

Argentina’s Case

Given the overview of these theories, we must address the question of how Argentina’s case fits within these established theories. In short, Argentina’s reaction appears to be an unexplained outlier. In light of the antiterrorism rally in Paris in January 2015, it is interesting to note that although Buenos Aires historically prided itself in being the Paris of Latin America, its response to terrorism has greatly differed from that of its European counterpart (“Paris attacks: Millions rally for unity in France,” 2015; Aizenberg, 2007). Argentina’s public and government response to the deaths of 85 people failed to compare to France’s response to a terrorist attack on 17 of its citizens. Nor does Argentina’s response parallel those of the countries examined in Chowanietz’s (2010) study. Argentina neither rallied around the flag nor railed against the government. Instead, the attack was assigned to the courts and the case passed with scant notice or urgency for two decades. Furthermore, Hetherington’s and Nelson’s (2003) prediction of increased president approval ratings did not prove true; to the contrary, public approval of President Menem in Argentina did not improve but rather fell to significantly low levels which continued to decline over the next several years (Calvo, 2007, p. 271). While falling presidential

approval ratings are not necessarily correlated to the AMIA attacks, they do evidence growing public dissatisfaction and implicate government incompetence.

It is surprising that the Argentine public did not respond in a manner typical of democratic populaces, specifically given its citizens' civic and social activism. From a political standpoint, it is perplexing that the Argentine government not only failed to respond in a predictable, competent manner but that it also failed to seize the attack as an opportunity to unify the country and improve government-citizen relations. Although this is not the only perceivable outcome, it seems an outcome that Argentina would have welcomed since the government was attempting to re-establish justice and civil rights by trying the military juntas for crimes committed during the Dirty War (Lavedra, 2012). Providing swift punishment for the perpetrators and justice for the families of the AMIA victims might have strengthened the government's new mission and message, especially given that "inaugurated in 1945, the AMIA building was built as an affirmation of survival in the New World after the catastrophe in the Old World. The building itself was a kind of monument" (Aizenberg, 2007, p. 115). Such action would have sent a positive message of the government's commitment to protecting a segment of the population that was particularly persecuted by the former military regime (Timerman, 1981/1980). Yet Argentina did not adopt severe policies or implement significant security changes, as the hardline and pendulum theories would suggest (Gregory, 2010; Matthew, 2005).

Argentina's divergent response from the established frameworks does not mean that it failed to respond altogether. The Argentine government has employed at least two of the three traditional models of counterterrorism (Perliger, 2012) in addressing the AMIA bombing over the years. Officially, the terrorist attack has been regarded as a crime and has been assigned to

the courts and criminal justice system, following the criminal model. However, the truth commission proposed in 2013 illustrates the government's attempts to switch models and test the effectiveness of the reconciliatory model after years of no advancements in the criminal model. There is no evidence that Argentina has attempted to use the warfare model (Perliger, 2012); however, many of the circulating allegations and conspiracy theories contend that the government has used covert operations and secret service, key actors in the warfare model, not to *punish* the perpetrators but rather to *cover up* the crime for political and economic reasons (La Nación, 2015).

In conclusion, Argentina's response to the AMIA bombing does not align with the reaction to a terrorist attack predicted of a democratic state. Given only Argentina's reaction in comparison to scholars' models, one might explain the deviant behavior by concluding that Argentina is not a democracy. The existing research, however, evidences that Argentina is widely recognized as a functioning democracy. Using Dalh's theory of polyarchy, we may conclude that Argentina is a near, but not advanced, democratized political system. A more complete understanding of Argentina's reaction to the AMIA bombing requires a deeper examination into the political, corruption, and economic factors which may explain Argentina's reaction.

Chapter 3: Performance and Perception of the Political System

We have established that Argentina is widely recognized as a functioning democracy, yet Argentina's response to the terrorist attack is an outlier which does not correspond to any of the academic models and theories of how democracies respond to terrorism. This leaves us with the questions:

1. How is Argentina's political system supposed to function?
2. How does Argentina's political system actually function?
3. How does the public feel that Argentina is functioning as a democracy?

Examining these questions will increase our understanding of how Argentina's political performance has influenced its democratic strength and its response to the AMIA attack.

Argentina's Political System and Intended Function

To understand the political context of Argentina during and following the AMIA bombing, this thesis will briefly examine Argentina's political system. Argentina is a republic that is guided by its Constitution. Argentina's Constitution was ratified in 1853 and has been amended under various governments. The Argentine Constitution separates powers into three branches: executive, legislative— which is further divided into the Chamber of Deputies and the Senate – and judicial. Argentina has a strong executive branch where the majority of powers are concentrated and entrusted to the president (Vacs, 2012, p. 444-445). The president serves as both the chief of staff and head of government and appoints the cabinet. The president and vice president run on the same ballot for election by popular vote; presidential terms are four years

and a president and vice president may run for re-election for one consecutive four year term. Within the legislative branch, the Senate holds 72 seats which are elected through direct vote; every two years, one-third of the members are elected to serve six year terms. The Chamber of Deputies has 257 seats which are elected by direct vote; every two years, one half of the members are elected to serve four year terms. Within the judicial branch, the Supreme Court is the highest court. Supreme Court judges are nominated by the president but must be approved by the Senate; Supreme Court judges serve for life (Central Intelligence Agency, 2014). The Argentine government describes its political system as “republicano, representativo y federal” (“Sistema de Gobierno,” n.d.). Furthermore, the government proclaims commitment to transparency and dedication to representing the Argentine people (“Sistema de Gobierno,” n.d.).

Politics in Theory and Practice

Ideally, there is a balance of power between the three branches of government, but in practice, Argentina’s judicial branch has historically proven susceptible to influence and even manipulation by the other branches (Helmke, 2005). This is relevant to the AMIA investigation, since the AMIA case was assigned to the courts and the judicial branch, as part of the justice system, is responsible for the investigation and prosecution. In the literature on courts in Latin America and the judicialization of politics, scholars acknowledge that the judicial branch in Argentina and generally most of Latin America has historically proven to be the least autonomous branch of government (Helmke, 2005; Smulovitz, 2010; Bill Chávez et al., 2011). The judicial branch has also been proven to be the most susceptible to executive influence (Vacs, 2012). According to Vacs (2012), Argentina’s government “follows a presidentialist tradition”

which empowers the president to the extent that it is possible for the president to dominate both legislative and judicial branches (p. 445). Rose-Ackerman, Desierto, and Volosin (2011) refer to this as “hyper-presidentialism” and note that presidents may “subvert constitutional and legal structures designed to check and balance them” (p. 27).

Bill Chávez, Ferjohn, & Weingast (2011) apply the spatial theory to explain supreme court (in)dependence. According to their model, a unified government – one in which the executive and legislative branches are united in political party and opinion – results in a dependent Supreme Court, while a divided government, one in which the executive and legislative branches are divided on political party and opinion, leads to an independent, stronger Supreme Court. According to this theory, a President and Congress with homogeneous “policy preferences” can unite to control and manipulate the decisions of the Supreme Court by threat, stuffing the courts, withholding funding, and overruling or ignoring court decisions (Bill Chávez et al., 2011, p. 221). In contrast, having a President and Congress with opposing stances on policies and parties increases the likelihood that the Supreme Court will make its decisions independently and will be willing to oppose Presidential actions or preferences, because it has greater faith that its decision will be upheld and that, regardless of its decision, it will be able to gain the support of one of the two branches and thus put a check on the remaining branch. The final time period of the four periods examined in the Argentine case is the “Partido Justicialista Hegemony of 1989-1997,” which encompasses the first two terms Carlos Menem’s presidency and the AMIA attack. Menem’s presidency is characterized by political hegemony stemming from presidential power. In discussing this period, the case asserts that:

...during Menem's first eight years in office (1989-1997), the political branches were controlled by a determined majority, and the court refrained from pursuing an agenda that was out of step with that of the unified PJ [Partido Justicialista] majority. The PJ had an absolute majority in the senate, which contributed to Menem's discretion over judicial appointments. (Bill Chávez et al., 2011, p. 237)

Menem manipulated the Supreme Court by expanding it from five to nine members in 1990; with this consolidated power, Menem was able to overturn lower court rulings, bypass appellate courts, and ignore court decisions that did not align with PJ policy preferences (Bill Chávez et al., 2011). President Menem defended his "packing" the courts by exclaiming, "Why should I be the only Argentine President not to have my own Supreme Court?" (Helmke, 2005, p. 1). In one scandalous case, on June 8, 1993, five members of the Supreme Court ruled in favor of an Argentine lawyer who was attempting to collect money from the Central Bank, a ruling that greatly displeased Menem and his party, who feared the ruling would set a precedent and have negative economic consequences on the government. One June 16, after the June 8th decision had disappeared from the court records, a new decision against the lawyer's case appeared featuring the signatures of four of the justices who had previously ruled in favor of the case (Bill Chávez et al., 2011). Such manipulation of the Supreme Court and the judicial branch has significant implication for the 1994 AMIA investigation as well as for the 1992 Israeli Embassy bombing. Both attacks occurred during Menem's presidency, and both were assigned the courts and never resolved. Thus, it is necessary to consider the autonomy of the Argentine courts in the years following the attacks and to question the extent to which the lack of progress in the bombing investigations was due to protecting the political interests of the executive branch.

There seems a discrepancy between the way the AMIA bombing was investigated and the manner in which the military junta commanders were tried in court. Following Argentina's emergence from the Dirty War, the judicial branch demonstrated remarkable autonomy through its decision to try the junta commanders of the Dirty War. Catalina Smulovitz notes that the 1985 trial of the junta commanders demonstrated that the judiciary "could discipline the powerful and defend the rights of the weak but also showed that the law could become an institutional mechanism for the resolution of other types of disputes" (Smulovitz, 2010, p. 247). In the 1990s, Menem's administration pardoned military leaders for human rights crimes committed during the Dirty war. However, this decision was overturned in a watershed case in 2001 in which Judge Cavallo declared the amnesty laws unconstitutional. An Appeals Court upheld his decision and annulled the amnesty laws a few months later (Mallinder, 2009, p. 113-114). In 2005, the Supreme Court upheld Cavallo's decision and the nullification of the amnesty laws (Mallinder, 2009 p. 125). This court decision was significant because it showed courts exerting power and diverging from the will of the executive branch.

It is helpful in considering the prosecution and development of the AMIA case to look at the prosecution of felonies committed during the Dirty War, because these crimes, while occurring earlier, were tried during an overlapping time period with the AMIA case. Lavedra (2012) divides the process of criminal prosecution of human rights violations committed during the Dirty War into two main time periods: 1983 to 1989 and 2005 to the present. He delineates the years from 1990 to 2005 as an intermediary period. According to Lavedra, the first of the main periods was marked by a unique political context, since the government was still struggling to transition and attain stability while many former perpetrators of these human rights violations

maintained political power. Lavedra highlights that the criminal prosecutions conducted during this time were conducted “in the absence of relevant rules of international human rights law, which began to develop more rigorously in the beginning of the 1990s” (2012, p. 57). This study offers relevant insight into the political context which framed the 1994 AMIA bombing, which occurred a few years after the first main period of Dirty War prosecutions, during the intermediary years, which Lavedra describes as a period in which “budding manifestations of a growing need to continue investigating and prosecuting massive human rights violations begin to develop” (2012, p. 57). It seems an ironic oversight in national security and policy by the Argentine government that during the time which the state was attempting to uncover state-sponsored crimes of the past and pursue justice, the government did not orchestrate a strong and serious response when over 300 of its citizens were attacked in a terrorist bombing in 1994 with implications of international involvement. Another interesting contextual parallel between the Dirty War criminal prosecutions and the AMIA case is that Lavedra’s second main period sharply differs from the first period in political context due to its “‘transitional justice’ framework,” which Lavedra defines as “a set of principles that have been established by supranational organizations” (2012, p. 57). During this time in which international human rights law was directing the criminal prosecutions, Argentina was charged with violating this international human rights law and taken to international courts for its negligible response to the AMIA bombing.

Public Opinion and Political Dissatisfaction

According to a 2015 report by Pew Research Center, 68% the Argentine citizens are dissatisfied with the country's politics and 64% believe that the wealthy have too much political power (Pew Research Center, 2015). These results were gathered from surveying 1,000 adults who were surveyed face-to-face through a "multi-stage cluster sample stratified by locality size" sample design (Pew Research Center, 2015). The reported dissatisfaction, paired with the belief that power is concentrated among the wealthy, indicates public concern that all citizens are not receiving equal representation or treatment. This has also been one of the complaints against the government in its handling of the AMIA attack (Grossman et al., 2007).

In 2014, 33.7% of the population identified security as the most important problem facing Argentina (Zechmeister, 2014, p. 1). The Barometer 2014 report indicated that Argentina, along with all of Latin America, experienced increased concern of crime in the past decade. This indicates a lack of faith in the justice system and ebbing confidence of the government's ability to limit crime and protect its citizens. Of the countries surveyed, Argentina experienced one of the highest rates of crime victimization (Zechmeister, 2014, p. 4).

Following Nisman's death, the AmericasBarometer conducted a topical brief on public response to the prosecutor's death and political polarization and mistrust (Moseley, 2015). Presidential approval has become increasingly polarized since 2008 (Moseley, 2015, p. 1). The report notes that public response to Nisman's death highlights two trends in Argentine public opinion: "1) the deepening of political polarization between pro- and anti-Kirchneristas and 2) widespread mistrust of formal political institutions, and belief that the political system is fundamentally corrupt" (Moseley, 2015, p. 2). From 2012 to 2014, public trust in the judicial

system, executive, national legislature, and political parties fell, and trust in the executive fell drastically, placing Argentina in the “bottom half of this category regionally” (ibid). Within the region, Argentina also has one of the highest levels of public perception of corruption (p. 3-4).

The topical brief concludes with foreboding assessment:

If Nisman was murdered, the implications are clearly worse, revealing either the complicity of domestic actors in the killing of a public servant, or the state’s inability to protect a man whom many suspected, including the prosecutor himself, was in danger...

(Moseley, 2015, p. 4)

It is clear from the above reports that the public is generally dissatisfied, even distrustful, of the government. Public response against poor government behavior is a positive sign for the country’s democracy. One negative sign for Argentina’s democracy, however, is public political intolerance. According to AmericasBarometer Democracy Progress Report on political tolerance in the Americas from 2006 to 2012, political tolerance has decreased in Latin America since 2006 (Hiskey, Moseley & Rodríguez, 2013). Political tolerance, according to this study, is defined as “a person’s willingness to support the civic and political rights of fellow citizens with whom she disagrees” (Hiskey, Moseley & Rodríguez, 2013). Argentina has a political tolerance rating of 1.7 to 2.6, placing it in the lowest tier of tolerance (Hiskey, Moseley & Rodríguez, 2013, p. 2). In 2012, 21.9% people strongly disapproved of allowing critics of the political system to exercise their right to vote (ibid). Although it is necessary to note that this study surveyed participants across the Americas, Argentina still ranked comparably to that of its neighbors. This is concerning for the strength of Argentina’s democracy, particularly when we consider Dahl’s definition that a democracy should consider all political opposition as political

equals (Dahl, 1971). Public failure to understand this key component could undermine the country's efforts to become a "full democracy" (Economist Intelligence Unit, 2014).

Interestingly, political intolerance was one of the rampant problems which hindered attempts to implement a democratic justice system during and even immediately following the Dirty War (Timerman, 1981/1980).

Chapter 4: Corruption

How does corruption not only affect the political system from functioning as it should, but also how does it influence public opinion on government and politics?

Political Corruption

Through the Latin American Public Opinion Project (LAPOP), the University of Vanderbilt records public opinion data in Argentina every two years. The 2013 report names high crime rates and public corruption as “two of the largest challenges facing many countries in the Americas today” (Lodola & Seligson, 2013, p. 140). Political corruption has been proven to have a negative impact on the economy and erode citizens’ levels of trust in the government and public institutions (Lodola & Seligson, 2013, p. 140). Although measuring corruption levels is a daunting task due to censorship and risks associated with attempting to report corruption, one way of measuring the presence of corruption within a country is through the Corruption Perception Index, which was founded in 1995 (Lodola & Seligson, 2013). By surveying outside evaluations of businessmen, this scale measures perceived corruption on a one to 10 scale with a score of one indicating the highest level of corruption and a scale of 10 indicating the lowest level of corruption (Lodola & Seligson, 2013). According to this index, Argentina’s level of corruption increased uninterrupted from 1995 to 1999, and Argentina’s ranking dropped from 24 to 70 in global ranking (Lodola & Seligson, 2013, p. 142). As of 2012, Argentina was ranked 100 out of 183 countries with a high perceived corruption level of three points (ibid). The LAPOP analysis concluded that the high index resulted from a number of scandals involving high-level government officials in recent years (Lodola & Seligson, 2013).

Government Scandal and Police Corruption

Unfortunately, the Argentine police, infamous for their involvement in state-sponsored terrorism during the violent years of the Dirty War, have a marred record even since the reestablishment of Argentina's democracy. Following the AMIA bombings, it was revealed that the Buenos Aires police facilitated the attack with a "high-ranking officer" providing the bombers with the automobile used to carry the explosives (Alberto Romero, 2002, p. 313). Ironically, Eduardo Duhalde, the Buenos Aires governor during the time of the AMIA bombing, had lauded the Buenos Aires police force as "the best in the world" (Alberto Romero, 2002, p. 313). Alberto Romero notes that this "'uncovering' of the country's dirty laundry" and other corruption scandals implicating police involvement rendered "two clear results: The corruption was seen to have penetrated all public institutions, and no holds were barred in the dispute for power and money" (Alberto Romero, 2002, p. 313-314). It would seem that these results remain consistent in past and present politics.

Decades prior to the uncovering of police involvement in the 1994 AMIA bombing, Jacobo Timerman – a prominent Jewish newspaper editor who was incarcerated and tortured during the Dirty War – notes the contrast between the promoted image and reality of Argentina's police force in his book *Prisoner without a Name, Cell without a Number* (1981/1980). Timerman describes the sexual exploitation, bribery, male prostitution, and brothels run within the prisons, ironically noting that these infamous activities were "administered by the Federal Police, which Juan Domingo Perón pronounced the best police field in the world" (Timerman, 1981/1980, p. 83). Surely it is quite a feat to engage in illicit activity while maintaining status as the best police force in the entire world; such contradictions between proclamations and practice

persisted throughout the Dirty War and even into 1994. Has the paradigm halted, or will it continue into 2015?

Brinks asserts that “the police obscure the truth and doctor the evidence, as nearly everyone knows or suspects” (2007, p. 2). One of the main problems highlighted by Brinks in both the old model and the newer reformed judicial model for the city and provincial courts of Buenos Aires is that the judge is involved in both gathering evidence and prosecuting and that the police are primarily responsible for building the case against the defendant. Brinks notes that “the legal system is never completely autonomous from its political system,” and points to the Supreme Court during the Presidency of Carlos Menem as a well-known example (Brinks, 2007, p. 10). Citing the research of Ruth Stanley, Brinks refers to the Argentine policing strategy as “meta-bala,” which he interprets as “give them bullets, or mow them down” (Brinks, 2007, p. 11). Public security concerns and fear of crime has fueled this meta-bala approach and allowed questionable figures such as Hugo Patti and Aldo Rico to serve in political office despite their record of sponsoring government terrorism and undermining democracy during and following the Dirty War military dictatorship (Brinks, 2007).

Unfortunately, police violence and corruption have influenced the political context of Argentina, making such a study useful to consider in any research involving political corruption in Argentina. In the AMIA case, Buenos Aires police officers were charged with aiding the crime (Alberto Romero, 2002). It is necessary in examining the development of the AMIA case to question the role that police have or may have had in covering up important evidence surrounding the prosecution.

Chapter 5: International Trade and Economic Factors

It is crucial to consider international trade and economics as influencing factors when examining the Argentine government's response to the 1994 AMIA bombing and investigation. Recent allegations and the death of case prosecutor Alberto Nisman have not only raised national and international concerns over corruption but have also heightened the investigation into Nisman's charges in January 2015 that the Argentine President Fernández de Kirchner and other authorities obstructed the AMIA investigation due to economic incentives and secret trade agreements. Before discussing recent events and current trade relations in Argentina, it is helpful to provide an overview of the economic policies and emphases in Argentina since the reconstruction of the nation as a new democracy.

Political and Economic Context: 1989-2015

According to Gardini (2012/2009), "following the collapse of the Soviet Union and the triumph of the Western democratic political model and market economy," the vast majority of Latin American countries, including Argentina, adopted the neoliberal model of government. Gardini avers that President Kirchner's economic policies continued to reflect neoliberal tendencies (Gardini, 2012/2009).

Economy under Menem's administration. When Carlos Menem of the Partido Justicialista, the Peronist party, was elected president in 1989. Menem discarded the "state-led economic growth model," traditionally favored by the Peronist party, and adopted a neoliberal model (Wilson, 1999, p.755). Between 1990 and 1991, however, Menem discarded "Peronist traditions of strong state intervention and expansive economics" in favor of a new neoliberal

model that limited government involvement and encouraged “economic openness, export-based development, and deregulation of production activities” (Gardini, 2012/2009, p. 17). Menem’s plan led to the privatization of public industries and sectors such as oil, gas, airlines, railway lines, water, electricity, telephones, and the health systems. The privatization agreements later led to scandal and charges of corruption within Menem’s political administration. As part of this neoliberalism, Domingo Cavallo, the minister of finance, introduced the “Convertibilidad” plan, which introduced a new peso as the national currency and fixed the value of the new peso to the value of the U.S. dollar at an exchange rate of 1:1 (Gardini, 2012/2009). Although this new plan rapidly reduced inflation, it created a façade of economic stability which did not align with reality. Argentina’s foreign debt escalated through the use of international market loans to finance the convertibility plan. In 2001, the unemployment rate had risen to 20 percent and an estimated 50 percent of the population was living below the poverty line (Gardini, 2012/2009, p. 18).

Economy in the shuffle of administrations from 1999-2003. In 1999, Fernando De la Rúa of the Alliance for Work, Justice, and Education assumed presidency and inherited a dire economy that, along with his administration, quickly collapsed (Vacs, 2012). The worsening recession, rising unemployment rates, and the financial collapse of 2001 forced De la Rúa to resign from office (Vacs, 2012). Following De la Rúa, Ramón Puerta, Adolfo Rodríguez Saá, and Eduardo Camaño all served brief, unsuccessful stints leading the country in 2001; Rodríguez Saá served for one week, and Camaño served for just two days (“La semana de los cinco presidentes,” 2001). This rapid succession of presidents stemmed from the economic upheaval and highlighted the country’s political disarray and presidential instability (Ollier, 2008). In

2002, former Buenos Aires governor Eduardo Duhalde was inaugurated as the nation's new president. Duhalde's administration ended the convertibility plan and required depositors to accept repayment at a loss and in pesos with promises of future repayment in dollars (Vacs, 2012). Duhalde's economic policies also ameliorated the socioeconomic conditions to a small extent by increasing public spending on education, health, and housing (Vacs, 2012). Duhalde announced that he would not run for re-election in 2003 and cast his support with the Peronist party candidate Néstor Kirchner.

Economy under the Kirchners' administrations. In 2007, Carlos Menem, who was running for reelection, dropped out of the race after the first round of voting. As a result, Néstor Kirchner won the election with 22.2% of the vote (Vacs 2012, p. 442). Kirchner adopted "redistributive economic policies," which focused on lowering unemployment rates and improving the economy (Vacs, 2012, p. 442). His "pragmatic economic policy, combining state and market," also influenced his foreign policy which prioritized nationalistic interests (Gardini 2012/2009, p. 20; Vacs 2012, p. 442). Néstor Kirchner decided not to run for re-election in the 2007 presidential elections. Instead, he supported the presidential campaign of his wife, Cristina Fernández de Kirchner, who won the elections with 45.3% of the votes (Vacs, 2012, p. 443). In her inauguration speech, Fernández de Kirchner announced her intention to adopt domestic and international policies similar to those of her husband (Vacs, 2012, p. 443). Poverty alleviation, improved social welfare, and the development of an "independent foreign policy" were highlighted in her list of key issues (Vacs, 2012, p. 443).

Trade relations and policies significantly changed through the transition from Menem's presidency to Néstor Kirchner's and later Cristina Fernández de Kirchner's administrations

(Galantuccia, 2013, p. 727). In a study on partisanship and trade agreements, Robert Galantuccia notes that Menem’s policies were “adamantly free trade oriented,” which was reflective of his Peronist affiliation (Galantuccia, 2013, p. 727). Menem pushed for Argentina to join the North American Free Trade Agreement (NAFTA) and encouraged Canada to join the Mercosur agreement (Galantuccia, 2013, p. 727). In contrast, the trade policies of Néstor Kirchner and Cristina Fernández de Kirchner have reflected “greater skepticism” and hesitancy toward South-North trade, one example of this being Kirchner’s opposition to the Free Trade of the Americas negotiation (Galantuccia, 2013, p. 727).



Table 4: Argentina’s GDP: 1983-2013
Series: GDP (current US\$). Created from: World Data Bank, World Development Indicators

Examining the succession of presidents and the patterns and changes in Argentina’s economic policies from 1989 through today is important because it highlights Argentina’s recent

history of economic instability. As we can see in the above graph, Argentina's economy has experienced sudden plunges and periods of instability, particularly at the turn of the twenty-first century. Due to the fragile state of the economy, economics remained at the forefront of presidential platforms and policies. Argentina's economic crisis has required engrossed government attention since the turn of the twentieth century. One could reason that the AMIA investigation has been neglected, in part, because the government's preoccupation with economic issues has taken precedence. Furthermore, the financial crisis of 2001/2002 and the rapid succession of presidents from 2001 to 2003 weakened public confidence in Argentina's political and legal institutions and fueled criticism of Argentina judicial system (Barrera López, 2009, p. 1-2). As might be expected, this period also saw little development in the AMIA investigation. Argentina's economic crisis positioned the country in need of foreign investment and international trade. This need is what formed the foundation for Nisman's case that the AMIA investigation was obstructed in favor of a trade deal with Iran. Before we discuss this theory, however, we must examine two scholars' theories on international trade and foreign influence.

Theory on International Trade and Foreign Influence

Drope (2006) assesses reactions to trade liberalization in Argentina by examining data gathered from nontariff trade disputes which occurred from 1992 to 2001. This time period is relevant to examine, as it frames the AMIA bombing and encompasses the first seven years of the investigation. According to Drope's study, "observers and economic policymakers from the international community enthusiastically heralded Argentina, particularly under the Menem

presidential administration, as a vigorous and ‘successful’ economic reformer” (2006, p. 55). By 1992 and 1993, tariff rates had dropped to 12 percent, a steep drop from its 30 percent rate in the mid-1980s (Drope, 2006). Examining supply and demand, this study asserts that the “‘demand’ side of trade protection” provides evidence that “private interests, the executive, members of the legislature, or combinations of these actors” can exert influence over the constituents and interest groups (Drope, 2006, p. 58). On the “supply” side, the results indicate that politicians are susceptible to granting trade protection in exchange for “incentives,” or in Drope’s words: “elected officials grant benefits to groups that help to maximize their political support” (Drope, 2006, p. 6). Drope concludes that “petitioners compete for special treatment, and generally speaking, those that wield the most political capital – in this case, the most connections across many constituencies – are consistently more successful in the competition for these rents” (2006, p. 69). Finally, Drope suggests that “the price for genuine access to decision making in an open democracy is important economic policy outputs that are influenced not only by economics but also politics” (Drope, 2006, p. 69). This study highlights important implications on how corruption and economics influence Argentine politics. If more money equates to more political power within Argentine politics, then it is plausible that foreign states can utilize this equation to exercise influence over Argentine affairs through financial payoffs and/or international trade.

Dahl (1980) argues that “The destiny of a country is never wholly in the hands of its own people....most countries participate to some extent in a multinational economy; Consequently policy makers usually take into account the actions and reactions of people outside their own country who may affect the local economy” (p. 189). According to Dahl’s theory on polyarchy

and foreign control, countries that largely rely on foreign investment and trade are more susceptible to foreign influence.

Economics and Trade Allegations in relation to the AMIA Case

This susceptibility to foreign influence and willingness to grant political power in exchange for money are key factors to consider. If the Argentine government falls into this theoretical framework, then justice in the AMIA case may be endangered by economic maneuvering. This was Nisman's line of thought in his outlined charges against the government in 2015 and also constituted much of the outcry against the truth commission in 2013. The controversial truth commission proposed by the Argentine Congress provoked outcry among the Jewish community even before the Supreme Court's decision that the agreement was unconstitutional. Many members of the public, and opposing law-makers criticized the government for acting on motives of political and economic gain (Popper, 2013). One lawmaker and former ambassador to Washington, Eduardo Amadeo, criticized the accord and the Argentine government for "sell[ing] out the victims for a barrel of oil" (Popper, 2013). The controversy garnered the attention of international media, and *The Economist* speculated that "Iran is likely to offer generous terms to any country willing to thumb its nose at the West and buy Iranian oil" ("A Pact with the Devil?", 2013, p. 3).

Under the direction of President Fernández de Kirchner, Argentina has increasingly softened its diplomatic stance toward Iran ("A Pact with the Devil?", 2013) and failed to honor the sanctions imposed upon Iran for its failure to cooperate with the UN on its nuclear program. Instead, Argentina has become one of Iran's major trading partners and seventh largest exporter

to Iran (ibid). These details on Argentina's foreign policy and relationship with Iran are significant because they contribute to Nisman's claim that the Argentine government was involved in an agreement with Iran to cover up the guilt of Iranian perpetrators of the AMIA attack in exchange for oil. On January 14, 2015, Nisman indicted President Cristina Fernández de Kirchner for obstructing justice in the AMIA case by concealing evidence incriminating Iranian involvement in exchange for increased Argentine grain exports and Iranian oil imports (*La Nación*, 2015). According to Nisman, his report presented evidence that President Fernández de Kirchner, foreign minister Héctor Timerman, and other Argentine authorities were involved in this illicit trade agreement (ibid).

Testing these claims in light of scholarly theory, we could assume that if Iran is a substantial trading partner with Argentina and if Argentina is dependent upon Iran for oil and other energy resources, then it could be argued that these are significant factors which Iran could use to manipulate Argentina into compliance and into obstructing the AMIA investigation. However, Iran is not one of Argentina's top trading partners and the Argentine government has been unforthcoming in releasing Nisman's report, so little evidence is available to test or prove these theories (World Bank Data, 2015). In February, a judge struck down Nisman's case, announcing that there was no basis for the claims (*La Nación*, 2015). Some would contend, however, that the government that has yet to clear its name from Nisman's mysterious death, and thus should not be solely responsible for deciding the veracity of Nisman's charges. For this reason, in March, the judge's decision was appealed with a request to re-open the case (*La Nación*, 2015). The investigation on the role that economics and international trade has played in the AMIA case is still ongoing and is an area that scholarly research should probe as well.

Conclusion

Why has Argentina failed to respond to the worst terrorist attack on its county? This thesis has examined inaction as the unexpected outcome of a democracy's response to terrorism through the lens of Argentine politics. The findings of this thesis do not support traditional academic discourse that the AMIA investigation has not been resolved due to anti-Semitism or the infiltration of Middle East terrorism organizations in Latin America. This thesis concludes that while we have learned little about the AMIA attack from the Argentine government, we can learn much about the Argentine government from analyzing its response to the attack.

Argentina's case does not fit within the established models of how a democracy responds to terrorism because, although Argentina is a functioning democracy, it is still a flawed democracy. To apply Dahl's terminology, Argentina is a polyarchy, a "relatively (but incompletely) democratized" regime (1971, p. 8). As a functioning but flawed democratized system, Argentina has demonstrated political performance that is, at times, far from ideal. Argentina has proven to be susceptible to political and police corruption, which has certainly complicated, if not hindered, the AMIA investigation. The government's response to the AMIA investigation is an example of government inefficiency and poor political judgment at best and complicit corruption at worst. Politics and economics have certainly been inextricably connected, particularly since the turn of the twenty-first century. For this reason, it is perhaps unsurprising that allegations have recently emerged that the Argentine government covered up of the AMIA investigation as part of an international trade agreement. It is not implausible that Argentina, as a flawed democracy with a history of corruption, a weaker judicial branch, and an unstable

economy, might pursue economic gain at the expense of justice in the AMIA case. However, the existence of the alleged trade agreement remains unproven and much debated. As investigations regarding the AMIA attack, and now Nisman's death and allegations against the government, develop, we may gain access to information which offers further insight on the flaws in Argentina's democracy and the roles that Argentine politics, corruption, and international trade have had in the AMIA case. This is certainly a promising area for future research.

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