

Remembering the Work of Alberto Nisman

Robert M. Morgenthau, New York Law Journal

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The following is excerpted from remarks by Robert M. Morgenthau upon his receipt of the inaugural Alberto Nisman for Courage Award from the Foundation for Defense of Democracies on April 15, 2015 in Washington, D.C.

Natalio Alberto Nisman was an Argentine lawyer who worked as a federal prosecutor and was the chief investigator of the 1994 car bombing of the Jewish center in Buenos Aires, which killed 85 people, the worst terrorist attack in Argentina's history. On Jan. 19, 2015, Nisman was found dead at his home in Buenos Aires.

I'm humbled and a little bit embarrassed by this award because the recognition I'm getting should be shared by a terrific team of young men and women who worked so hard. I attribute my

success to longevity. If you stick around long enough a lot of things come your way that you probably don't deserve.

There's an old saying that eternal vigilance is the price of liberty and history has certainly shown that, whether its 9/11 or Pearl Harbor. This organization, Foundation for Defense of Democracies, plays an extremely important role in keeping the public and government officials focused on the dangers that the U.S. and the world faces from terrorism.

I had occasion to meet Alberto Nisman in 2008 or 2009. He was visiting New York and we were in the midst of a lot of Iranian work. The bank stripping cases were in full force, and we had recently turned the Alavi Foundation investigation over to federal prosecutors for a federal forfeiture case. We met with Nisman to explore our mutual interest in the threat posed by Iran. We shared information and exchanged notes. He struck me at the time as a forceful and independent prosecutor, following evidence wherever it led, unafraid to take on powerful interests.

Nisman recognized Iran for the threat it is. And I certainly saw it the same way. I learned long ago to recognize the face of the enemy and its skill, and never to turn your back on it. My office took on Iran head on. We used our lawful authority and investigative abilities to expose Iranian influence wherever we could. It was a little bit easier in those days because the bad guys hadn't woken up to the fact that their emails could be retrieved so we were plowing some unused fields. We exposed its control of the Alavi Foundation in New York, leading to a successful federal forfeiture case. It also led to the successful prosecutions for bank stripping of Lloyds, Credit Suisse and Barclays for helping Iran evade U. S. sanctions. Information developed in those cases led to the successful investigations of Paribas, Commerze Bank and HSBC. We exposed the web of shell companies used by the Iranian shipping line IRISL to hide its activities. And we secured the indictment of a proliferator in China who was sending materials used in WMD to Iran.

Our work on the bank cases, in particular, changed the practices of international banking practices, and put real teeth into sanctions enforcement.

We also worked out of the public view, helping expose financial conduits used to bring WMD materials to Iran and to send funds to terrorist organizations. We traced money from the jungles of Paraguay to the dusty streets of Ramallah, and shared that information to interdict terrorist activities.

Many of these actions never received publicity, but we helped stop funding of terror operations and helped set back Iran's efforts to produce missiles and acquire centrifuges.

We also tracked and fought against Iran's effort to establish a sphere of influence in the western hemisphere. I came to Washington in September 2009 to speak about some of the evidence my office had gathered demonstrating the growth of Iran's influence in the West, specifically in Venezuela. We try to remember and remind people, of the Monroe Doctrine. Subsequent events have shown Iran's deep entrenchment in Venezuela.

For example, in 2009 my office uncovered evidence that the Iranians were supplying manned drones to Venezuela, information we shared with our intelligence services. Time has again proven us right, with public reports in 2012 and 2013 confirming the presence of Iranian drones in Venezuela. Venezuela and Iran have 60 separate agreements covering their business dealings.

While we were looking at the ties between the Chavez regime and Iran, Nisman found evidence of similar dealings in his country as well. Beyond straight corruption, Nisman alleged a link between corruption and terrorism.

I am not privy to the inside of Nisman's investigation. But some of what he described in Argentina bears a striking resemblance to some of what we found in the Alavi investigation. Not the overt connections to violent terrorism such as the Buenos Aires bombing, we didn't find that in Alavi. But structurally, Nisman described a long-term plan to expand Iran's sphere of influence in the West. And this is exactly what we saw in Alavi. Links between mosques, Islamic culture centers, and the Iranian diplomatic corps; all with a web of shell companies and accounts to hide funding and transactions from the public view. We tracked hundreds of thousands of dollars from the Alavi Foundation through shell companies before ending up with Iranian embassy drivers and security agents. And, according to witnesses we located, the entire Alavi plan was run out of the office of the Supreme Leader of Iran, and was part of a broad plan to lay a foundation of influence, money, and power.

Nisman alleged a corrupt deal between the Kirchner regime and Iran. A deal designed to cover up responsibility for the 1994 bombing of the AMIA Jewish center in Buenos Aires. A deal written in the blood of terror victims and paid for with cash, kickbacks, and oil. Nisman found connections between the 1994 attacks in Buenos Aires and the terrorists who plotted to blow up the JFK Airport oil depot in 2007. Based on this, and a world of other criminal activity and terrorism, I see little reason to trust Iran.

It is hard to fathom a government's willingness to cover-up the murder of its citizens, but that such a deal was reached between top officials in Argentina and Iran seems clear. Contrary to the denials that have been issued from Kirchners' inner circle since the death of Nisman, the existence of some sort of deal was confirmed, perhaps inadvertently, by Iranian officials themselves. In a 2013 interview, the then-Iranian foreign minister (now their atomic energy commissioner) was quoted as saying that "based on the agreement signed by Iran and Argentinian government, International Police (Interpol) must quit issuing red notice for four Iranian officials."

This appears to directly support Nisman's allegation that Argentina and Iran agreed to work to get Interpol to lift the "red notices" [against the Iranian officials accused of having taken part in the attack against the AMIA Jewish community centre] as part of their memorandum of understanding, and contradicts recent statements from the Argentine foreign minister that Nisman's complaint has no basis in fact.

An agreement between nations to resolve international issues is their sovereign prerogative. But according to Nisman, and according to revelations that have come since his death, this was a sordid deal cooked up in backrooms and bedrooms, involving huge transfers of money between

Iran, Venezuela, and Argentina, all at the expense of the innocent men, women and children who died at the hands of Iranian-backed terrorists. It is imperative Nisman's work not be forgotten. Prosecutors and judges in Argentina, and elsewhere I hope, will pick up the mantle of Nisman and search for the truth.

The front of the New York State courthouse in Manhattan bears an inscription of a quote attributed to our first president, George Washington, "The True Administration of Justice is the Firmest Pillar of Good Government." Nisman's courage and efforts speak to the importance of independent and unfettered prosecutors. And nowhere is this more important than in the area of public corruption. Secret deals, self-dealing and collusion by and between government officials is dangerous. Independent prosecutors, along with an independent judiciary, strengthen and maintain the rule of law and control abuses of government power.

Recently in The Wall Street Journal, two distinguished former Secretaries of State, Henry Kissinger and George Shultz, reminded us of the grave dangers Iran poses to democracies. They concluded, "History will not do our work for us; it helps only those who seek to help themselves." Nisman did the work and made an extraordinary sacrifice. I hope and pray we have the courage and fortitude to follow his campaign .

Nisman was a courageous and forceful prosecutor. I would have liked to have worked with him. I applaud the Foundation for Defense of Democracies for creating this award in memory of Mr. Nisman, and humbly dedicate it to independent prosecutors around the world. I am grateful for this recognition of the foundation, and I dedicate this award to Nisman's work, and to prosecutors around the world willing to stand up to powerful interests to do what is right.

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