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May 19, 2015

MR. JOHN GREENEWALD JR.



FOIPA Request No.: 1237152-1
Subject: PRIEBKE, ERICH

Dear Mr. Greenwald:

You were previously advised we were consulting with another agency concerning information located as a result of your Freedom of Information Act (FOIA) request.

This consultation is complete and the enclosed material is being released to you with deletions made pursuant to Title 5, United States Code, Section 552 as noted below. See the enclosed form for an explanation of these exemptions.

Section 552		Section 552a	
<input type="checkbox"/> (b)(1)	<input type="checkbox"/> (b)(7)(A)	<input type="checkbox"/> (d)(5)	
<input type="checkbox"/> (b)(2)	<input type="checkbox"/> (b)(7)(B)	<input type="checkbox"/> (j)(2)	
<input type="checkbox"/> (b)(3)	<input checked="" type="checkbox"/> (b)(7)(C)	<input type="checkbox"/> (k)(1)	
_____	<input type="checkbox"/> (b)(7)(D)	<input type="checkbox"/> (k)(2)	
_____	<input type="checkbox"/> (b)(7)(E)	<input type="checkbox"/> (k)(3)	
_____	<input type="checkbox"/> (b)(7)(F)	<input type="checkbox"/> (k)(4)	
<input type="checkbox"/> (b)(4)	<input type="checkbox"/> (b)(8)	<input type="checkbox"/> (k)(5)	
<input type="checkbox"/> (b)(5)	<input type="checkbox"/> (b)(9)	<input type="checkbox"/> (k)(6)	
<input checked="" type="checkbox"/> (b)(6)		<input type="checkbox"/> (k)(7)	

8 pages were reviewed and 8 pages are being released.

Material has been reviewed by the US Department of State, and this material is being released to you in its entirety.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S. C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number in any correspondence to us for proper identification of your request.



See additional information which follows.

Sincerely,



David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

Enclosures (2)

This material is being provided to you at no charge.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

0002 MRI 01198

RR ROM

Per DOS - NO OBJECTION TO FULL RELEASE

DE RUCNFB #0120 1730245

ZNR UUUUU

R 211920Z JUN 94

FM DIRECTOR FBI (163A-RO-5849)

TO LEGAT ROME/ROUTINE/

BT

UNCLAS

CITE: //0647//

SUBJECT: ERICH PRIEBKE; FPC-GCM; 00: ROME.

REFERENCE LEGAT ROME TELETYPE DATED 5/23/94.

FBIHQ RECORDS WERE SEARCHED AND CONTAINED NUMEROUS STATE DEPARTMENT TELETYPES REGARDING CAPTIONED SUBJECT. HOWEVER, INFORMATION CONTAINED IN THESE FILES ORIGINATED FROM THE STATE DEPARTMENT AND CANNOT BE DISSEMINATED TO ANY OUTSIDE AGENCY.

BT

#0120

b6 per
b7C FBI

6/22/94
SSA [redacted] State Dept. liaison advised that State Dept. policy rules we cannot disseminate information from another US Gov. Agency. suggest requesting Agency that it contact State Dept. regarding information it has on Priebke.

163A-RO-5849-3 ✓

Searched	Indexed
Serialized	Filed
<i>JO JO</i>	
6/22/94	
FBI - LEGAL ATTACHE ROME	
[redacted]	<i>[Signature]</i>

out

LOM

b6 per
b7C FBI



Embassy of the United States of America

Office of the Legal Attache
Via Veneto, 119/a
00187 ROMA

June 23, 1994

Dott. Mario Fasano
Ministero dell'Interno
Direzione Generale della Pubblica Sicurezza
Direzione Centrale Polizia di Prevenzione
Palazzo Viminale
00184 ROMA

RE: ERICH PRIEBKE
Our file 163A-RO-5849
Your file NR 224/B1/6097/2590R

Dear Dott. Fasano:

Reference your letter dated May 13, 1994.

For your information, our Headquarters records were searched and contained numerous State Department communications regarding ERICH PRIEBKE, but due to third party regulations we cannot disseminate information which originated from another U.S. Government agency. We respectfully request that you contact the U.S. State Department directly regarding information you requested on ERICH PRIEBKE.

Sincerely yours,

[Redacted signature]

b6 per
b7C FBI

[Redacted name]

Legal Attache

163A-RO-5849-4 ✓
Searched _____
Serialized js
Indexed _____
Filed js

~~Handwritten initials in a circle~~

FAX TRANSMITTAL INFORMATION

From: LEGAL ATTACHE OFFICE AMERICAN EMBASSY ROME, ITALY Phone: 39 6 46.74.23.92 Fax: 39 6 46.74.25.93	Precedence: PRIORITY	To: [Redacted] DCP
	1 PAGE(S) IN THIS FAX <u>js</u> SENT	

b6 per
b7C FBI

*** ACTIVITY REPORT ***

TRANSMISSION OK

TX/RX NO.	4309
CONNECTION TEL	9pp4873350
CONNECTION ID	
START TIME	24/06 12:54
USAGE TIME	00'32
PAGES	1
RESULT	OK

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 02-11-2014 BY NSICG/F7GM45K62



FBI FACSIMILE COVERSHEET

CLASSIFICATION

PRECEDENCE

- Immediate
- Priority
- Routine

- Top Secret
- Secret
- Confidential
- Sensitive
- Unclassified

Time Transmitted: _____

Sender's Initials: _____

Number of Pages: _____

To: LEGAT ROME
(Name of Office)

Date: 8-12-94

Facsimile number: _____

Attn: _____

(Name Room Telephone No.)

b6
b7C

From: FBI HQ, IAS FOREIGN LIAISON UNIT I
(Name of Office)

Subject: ERICH PRIEBKE

Special Handling Instructions: _____

Originator's Name: _____

Telephone: _____

Originator's Facsimile Number: _____

Approved: IC

b6
b7C

163A RO-5849-5

SEARCHED	INDEXED
SERIALIZED	FILED

AUG 12 1994



ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 02-11-2014 BY NSICG/F76M45K62

per DOS - NO OBJECTION TO FULL RELEASE

TO: LEGAT ROME
ATTN: ALAT [redacted]

FROM: [redacted] b6 per
[redacted] b7C FBI
FBIHQ, LIAS, FOREIGN LIAISON UNIT

SUBJECT: ERICH PRIEBKE; FPC-GCM; OO: ROME

b6 per
b7C FBI

[redacted] I FINALLY LOCATED ALL THE FILES EXCEPT FOR LEGAT ROME'S TELETYPE DATED 5/23/94 CONCERNING CAPTIONED MATTER. FILES REVIEWED REVEALED THAT ALL TELETYPES ORIGINATED FROM THE STATE DEPARTMENT AND INFORMATION CONTAINED IN THE FILES WERE PROVIDED TO ROME. INFORMATION IN THESE FILES ARE UNCLASSIFIED BUT WE STILL HAVE TO OBSERVE THE THIRD AGENCY RULE. WE HAVE TO OBTAIN STATE DEPARTMENT PERMISSION TO RELEASE ANY INFORMATION CONTAINED IN THE FILES, REGARDING CAPTIONED SUBJECT:

ONE OPTION - WE CAN GO TO THE STATE DEPARTMENT FOR APPROVAL

- WE CAN TELL THE ITALIANS THAT THE INFORMATION EXISTS AND MAKE AN OFFICIAL REQUEST FROM THE STATE DEPARTMENT OR VIA LETTER ROGATORY THROUGH DOJ/OIA.

SORRY FOR THE DELAY IN OBTAINING THIS INFORMATION REGARDING CAPTIONED MATTER. AGAIN PLEASE ACCEPT MY SINCERE APOLOGY.

PLEASE CALL ME IF YOU HAVE ANY QUESTIONS.

CONFIDENTIAL

BUENOS AIRES 07635

ACTION: CONS-2
INFO: COUNT-5 JUST-1 DEA-1 LEG-1 POLMIN-0 POLIT-1 POL-0 DCM-0 AMB-0

DISTRIBUTION: EXTR
CHARGE: PROG

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 02-11-2014 BY NSICG/F76M45K62

VZCZCRTO437RMO174
RR RUEHRO
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R 222121Z NOV 94
FM AMEMBASSY BUENOS AIRES
TO RUEHC/SECSTATE WASHDC 3110
INFO RUEHOL/AMEMBASSY BONN 0022
RUEHRO/AMEMBASSY ROME 0071
RUEHSG/AMEMBASSY SANTIAGO 1335
RUEHMN/AMEMBASSY MONTEVIDEO 6460
RUEHBR/AMEMBASSY BRASILIA 1119
RUEHAC/AMEMBASSY ASUNCION 1738
BT

This document was released in full in
2001 and can be found on foia.cia.gov
website.

CONFIDENTIAL BUENOS AIRES 007635

E.O. 12356:OADR
TAGS: CJAN, PHUM, PGOV, PREL, AR, IT

SUBJECT: ERICH PRIEBKE CASE: TO EXTRADITE OR NOT TO
EXTRADITE?

REF: (A) BUENOS AIRES 6771 (B) BUENOS AIRES 4113
(C) BUENOS AIRES 3183 (D) BUENOS AIRES 3156

- CONFIDENTIAL - ENTIRE TEXT.
- THIS IS AN ACTION CABLE. SEE PARA 8.
- SUMMARY: THE JUDGE INVOLVED IN THE PRIEBKE EXTRADITION CASE SAYS HE CAN FIND NO LEGAL GROUNDS TO APPROVE THE EXTRADITION, EVEN THOUGH HE IS FULLY AWARE OF THE NEGATIVE CONSEQUENCES OF SUCH A RULING. EMBASSY REQUESTS LEGAL ADVICE ON POSSIBLE PRECEDENTS UNDER INTERNATIONAL LAW WHICH MIGHT PROVIDE A BASIS FOR EXTRADITION. END SUMMARY.
- GERMAN MOLDES, THE JUDGE IN CHARGE OF THE PRIEBKE EXTRADITION CASE, TOLD EMBASSY CONSUL GENERAL THAT HE IS TORN ON THE QUESTION OF THE ITALIAN GOVERNMENT'S REQUEST FOR THE EXTRADITION OF FORMER NAZI SS OFFICER, ERICH PRIEBKE. ON ONE HAND, MOLDES SAID, THE PROVISIONS OF THE BILATERAL ARGENTINE-ITALIAN TREATY ARE NOT SUFFICIENT TO PERMIT PRIEBKE'S EXTRADITION. FURTHERMORE, DEPORTATION DOES NOT SEEM TO BE A VIABLE OPTION SINCE THE GOA HAS NO LEGAL PRETEXT TO EXPEL PRIEBKE. PRIEBKE ORIGINALLY CAME TO ARGENTINA UNDER

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BUENOS AIRES 07635

163A-RO-5849-6

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FBI - LEGAL ATTACHMENT ROOM	

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b7C FBI

HIS OWN NAME AND HE APPARENTLY DID NOT FALSIFY HIS ENTRY DOCUMENTS.

5. ON THE OTHER HAND, MOLDES UNDERSTANDS THE NEGATIVE INTERNATIONAL REPERCUSSIONS THAT WOULD HIT ARGENTINA WERE THE EXTRADITION BE DENIED. MOLDES WOULD LIKE TO FIND A LEGAL HOOK ON WHICH TO BASE THE EXTRADITION, BUT HE FEARS THAT THERE IS NONE (SEE REF C FOR ADDITIONAL DETAILS). MOLDES CONSIDERED BUT DOUBTED THAT AN EXTRADITION BASED ON THE GROUNDS OF A "HIGHER NATIONAL INTEREST" (AS THE PROSECUTOR HAS ARGUED) HAS FEASIBLE UNDER ARGENTINE LAW.

6. ANOTHER JUDGE SUBSEQUENTLY TOLD THE CONSUL GENERAL THAT MOLDES IS UNDER TREMENDOUS PRESSURE FROM THE HIGHER APPEALS COURT TO RULE AGAINST THE EXTRADITION. THE APPEALS COURT JUDGES BELIEVE THAT THERE ARE NO LEGAL GROUNDS FOR EXTRADITION BUT WANT MOLDES TO MAKE THIS RULING RATHER THAN HAVING TO TAKE THE HEAT THEMSELVES.

7. IN A SEPARATE CONVERSATION, THE EXECUTIVE DIRECTOR OF THE DELEGATION OF JEWISH ARGENTINE ASSOCIATIONS (DAIA), ALFREDO NEUBURGER, TOLD LABATT THAT MOLDES IS DOING WHAT HE CAN TO AVOID MAKING A DECISION. NEUBURGER SAID MOLDES HAS RULED THAT HE MUST HAVE A SPANISH TRANSLATION OF ITALIAN RECORDS ON PRIEBKE -- 26,000 PAGES. NEUBURGER ALSO SAID IT HAS JUDGE MOLDES WHO RULED AGAINST THE EXTRADITION OF ANOTHER EX-NAZI, ABRAHAM KIP THREE OR FOUR YEARS AGO.

8. COMMENT: UNDER THE BEST OF CIRCUMSTANCES, EXTRADITIONS REQUIRE TWO TO FOUR YEARS TO BE IMPLEMENTED IN ARGENTINA. ALTHOUGH ARGENTINA HAS RATIFIED MOST MAJOR HUMAN RIGHTS CONVENTIONS, INCLUDING THE GENOCIDE CONVENTION OF 1948, THESE DO NOT APPLY DUE TO EX POST FACTO NATURE OF THE CASE.

9. ACTION REQUESTED: MOLDES TOLD THE CONSUL GENERAL HE WOULD APPRECIATE ADVICE FROM U.S. LEGAL AUTHORITIES THAT MAY HELP HIM REACH A FAVORABLE DECISION. EMBASSY BELIEVES WE SHOULD PROVIDE HIM WHATEVER INFORMATION WE CAN TO MAKE IT MORE DIFFICULT FOR HIM TO BEND TO THE PRESSURE FROM ABOVE TO RULE AGAINST THE EXTRADITION. EMBASSY WOULD, THEREFORE, APPRECIATE COMMENTS AND SUGGESTIONS FROM L AND/OR THE DEPARTMENT OF JUSTICE WHICH WE COULD PASS ON TO MOLDES REGARDING PRECEDENTS IN INTERNATIONAL LAW FOR A POSITIVE EXTRADITION RULING.
CHEEK
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