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United States Department of State

*Washington, D.C. 20520*

Case No. F-2014-09286

Mr. John Greenewald  
[REDACTED]  
[REDACTED]

Dear Mr. Greenewald:

In response to your request dated June 2, 2014 under the Freedom of Information Act (Title 5 USC Section 552), we initiated searches of the Central Foreign Policy Records (the principal record system of the Department of State), the records of the Bureau of European and Eurasian Affairs and the Office of Global Criminal Justice.


The search of the Central Foreign Policy Records has been completed and has resulted in the retrieval of 16 documents responsive to your request. After reviewing these documents, we have determined that 15 may be released in full and one may be released with excisions. All released material is enclosed.

An enclosure explains Freedom of Information Act exemptions and other grounds for withholding material. In the one document where we have made excisions, the applicable exemption is noted on the document. All non-exempt material that is reasonably segregable from the exempt material has been released.

You have the right to appeal our determination by writing, within 60 days, to the Chairman, Appeals Review Panel, c/o Appeals Officer, A/GIS/IPS/PP/LA, U.S. Department of State, SA-2, Room 8100, Washington, D.C. 20522-8100. The appeal letter should refer to the case number shown above, clearly identify the decision being appealed, and provide supporting arguments when possible. For further information, see the Code of Federal Regulations, 22 CFR 171.52.

We will keep you informed as your case progresses. If you have any questions, you may write to the Office of Information Programs and Services, SA-2, Department of State, Washington, DC 20522-8100, or telephone us at (202) 261-8484. Please be sure to refer to the case number shown above in all correspondence about this case.

Sincerely,

  
John F. Hackett, Acting Director  
Office of Information Programs and Services

Enclosures:  
As stated.

## The Freedom of Information Act (5 USC 552)

### FOIA Exemptions

- (b)(1) Withholding specifically authorized under an Executive Order in the interest of national defense or foreign policy, and properly classified. E.O. 12958, as amended, includes the following classification categories:
  - 1.4(a) Military plans, systems, or operations
  - 1.4(b) Foreign government information
  - 1.4(c) Intelligence activities, sources or methods, or cryptology
  - 1.4(d) Foreign relations or foreign activities of the US, including confidential sources
  - 1.4(e) Scientific, technological, or economic matters relating to national security, including defense against transnational terrorism
  - 1.4(f) U.S. Government programs for safeguarding nuclear materials or facilities
  - 1.4(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to US national security, including defense against transnational terrorism
  - 1.4(h) Information on weapons of mass destruction
- (b)(2) Related solely to the internal personnel rules and practices of an agency
- (b)(3) Specifically exempted from disclosure by statute (other than 5 USC 552), for example:
  - ARMEX Arms Export Control Act, 22 USC 2778(e)
  - CIA Central Intelligence Agency Act of 1949, 50 USC 403(g)
  - EXPORT Export Administration Act of 1979, 50 App. USC 2411(c)(1)
  - FSA Foreign Service Act of 1980, 22 USC 4003 & 4004
  - INA Immigration and Nationality Act, 8 USC 1202(f)
  - IRAN Iran Claims Settlement Act, Sec 505, 50 USC 1701, note
- (b)(4) Privileged/confidential trade secrets, commercial or financial information from a person
- (b)(5) Interagency or intra-agency communications forming part of the deliberative process, attorney-client privilege, or attorney work product
- (b)(6) Information that would constitute a clearly unwarranted invasion of personal privacy
- (b)(7) Information compiled for law enforcement purposes that would:
  - (A) interfere with enforcement proceedings
  - (B) deprive a person of a fair trial
  - (C) constitute an unwarranted invasion of personal privacy
  - (D) disclose confidential sources
  - (E) disclose investigation techniques
  - (F) endanger life or physical safety of an individual
- (b)(8) Prepared by or for a government agency regulating or supervising financial institutions
- (b)(9) Geological and geophysical information and data, including maps, concerning wells

### Other Grounds for Withholding

- NR Material not responsive to a FOIA request, excised with the agreement of the requester

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R 121032Z MAY 94  
FM AMEMBASSY BUENOS AIRES  
TO SECSTATE WASHDC 9960  
INFO USCINCSO QUARRY HEIGHTS PM  
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AMEMBASSY MONTEVIDEO  
AMEMBASSY BRASILIA  
AMEMBASSY ASUNCION  
AMEMBASSY BONN  
AMEMBASSY ROME

UNCLAS SECTION 01 OF 02 BUENOS AIRES 003156

E.O. 12356: N/A  
TAGS: PREL, PGOV, PHUM, SOCI, CJAN, IT, GM, AR  
SUBJECT: EX-NAZI ERICH PRIEBKE DETAINED IN ARGENTINA;  
MAY BE EXTRADITED TO ITALY

SUMMARY

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1. ARGENTINE POLICE PLACED 81-YEAR OLD ERICH PRIEBKE UNDER HOUSE ARREST MAY 9. PRIEBKE IS ALLEGED TO BE A FORMER NAZI OFFICIAL WHO PARTICIPATED IN THE 1944 KILLING OF 335 ITALIANS AT THE ARDEATINE CAVES IN ROME. GERMAN-BORN, HE HAS BEEN A LONG-TIME RESIDENT OF THE SOUTHERN RESORT CITY OF BARILOCHE. HIS ARREST WAS A PRECAUTIONARY MEASURE. THE ITALIAN GOVERNMENT HAS INFORMED THE ARGENTINE GOVERNMENT THAT IT WILL REQUEST PRIEBKE'S EXTRADITION. ARGENTINA IS LIKELY TO GRANT THE REQUEST IF PRIEBKE NEVER BECAME AN ARGENTINE CITIZEN. THE DISCOVERY OF WHAT MAY BE YET ANOTHER EX-NAZI IN ARGENTINA, WHICH HAS RECEIVED WIDE LOCAL AND INTERNATIONAL PUBLICITY, HAS GIVEN RISE TO DEMANDS BY THE LOCAL JEWISH COMMUNITY THAT THE GOA TAKE STEPS TO ROOT OUT ANY REMAINING EX-NAZIS IN ARGENTINA. END SUMMARY

REVIEW AUTHORITY: Geoffrey Chapman, Senior  
Reviewer

EX-NAZI DETAINED  
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2. ACCORDING TO THE LOCAL MEDIA, A FEDERAL JUDGE IN BARILOCHE ORDERED THE PREVENTATIVE ARREST OF ERICH PRIEBKE, A RESIDENT OF BARILOCHE SINCE 1968, THE OWNER OF A PRIVATE CLINIC AND SCHOOL THERE, AND A RESPECTED MEMBER OF THE GERMAN COMMUNITY. PRIEBKE IS ALLEGED TO HAVE BEEN INVOLVED IN THE 1944 MURDER OF 335 ITALIANS AND OTHERS -- INCLUDING 75 JEWS WHO WERE SCHEDULED TO BE TRANSPORTED TO CONCENTRATION CAMPS -- AT THE ARDEATINE CAVES IN ROME. ACCORDING TO LOCAL PRESS ACCOUNTS, PRIEBKE WAS SECOND-IN-COMMAND TO THE  
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NOTORIOUS SS COMMANDER HERBERT KAPPLER, WHO WAS CONVICTED TO A LIFE TERM FOR HIS INVOLVEMENT IN THE ARDEANTINE MASSACRE, BUT SUBSEQUENTLY ESCAPED PRISON. DUE TO PRIEBKE'S ADVANCED AGE AND POOR HEALTH, HE IS BEING HELD UNDER HOUSE ARREST UNTIL THE EXTRADITION FORMALITIES ARE COMPLETED. PRIEBKE'S WHEREABOUTS WERE DISCOVERED BY SIMON WIESENTHAL, WHO FIRST PICKED UP HIS TRAIL IN 1989. PRIEBKE'S CASE RECEIVED RENEWED ATTENTION FOLLOWING A RECENT INTERVIEW BY ABC NEWS' SAM DONALDSON.

ARGENTINA LIKELY TO GRANT EXTRADITION  
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3. THE ITALIAN GOVERNMENT HAS SUBMITTED A NOTE VERBALE TO THE ARGENTINE GOVERNMENT INFORMING THE ARGENTINES OF ITS INTENTION TO FORMALLY REQUEST PRIEBKE'S EXTRADITION. THE OUTGOING ITALIAN GOVERNMENT APPROVED THE EXTRADITION REQUEST AND THE PAPERS ARE NOW IN TRANSIT BETWEEN ROME AND BUENOS AIRES, ACCORDING TO THE ITALIAN EMBASSY HERE. THE ITALIAN GOVERNMENT HAS ASKED THE ARGENTINE GOVERNMENT TO INSURE THAT PRIEBKE DOES NOT DISAPPEAR WHILE ARGENTINA CONSIDERS THE REQUEST FROM ROME, ACCORDING TO LOCAL MEDIA. ARGENTINE DEPUTY FOREIGN MINISTER FERNANDO PETRELLA TOLD THE PRESS MAY 9 THAT THE GOA WILL ACT ON THE ITALIAN REQUEST AS QUICKLY AS POSSIBLE, ONCE IT HAS BEEN FORMALIZED THROUGH OFFICIAL CHANNELS. HE DESCRIBED THE GOA'S ROLE AS "PASSIVE" AND "AUTOMATIC," ONCE THE EXTRADITION REQUEST HAS BEEN RECEIVED. PETRELLA ALSO TOLD THE PRESS, IN A  
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SUBSEQUENT INTERVIEW, THAT THE GOA IS SEARCHING ITS  
IMMIGRATION ARCHIVES TO DETERMINE WHEN AND HOW PRIEBKE  
ARRIVED IN ARGENTINA.

A MODEL CITIZEN  
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4. ARGENTINES ARE ASKING THEMSELVES HOW A FORMER  
NAZI WAR CRIMINAL COULD LIVE FOR 46 YEARS IN  
BARILOCHE, WHERE HE BECAME ACTIVELY INVOLVED IN  
COMMUNITY AFFAIRS, WITHOUT HIS PAST BEING KNOWN.  
PRIEBKE TOLD A TV INTERVIEWER, WITH TEARS IN HIS EYES,  
THAT HE WAS "ANGUISHED" BY THE REVELATIONS ABOUT HIS  
PAST, AND THAT HE WAS "REPENTANT." HE INSISTED,  
HOWEVER, THAT HE KILLED ONLY ONE PERSON IN ITALY IN  
1944, THAT HE HAD TRAVELED TWICE TO ITALY WHERE HE MET  
WITH FORMER NAZI COLLEAGUE  
S, AND THAT HE HAS VISITED  
THE U.S. 16 TIMES TO VISIT A SON WHO IS A NATURALIZED  
U.S. CITIZEN. (NOTE: CONSULAR RECORDS REVEAL THAT  
PRIEBKE FIRST RECEIVED A FOUR-YEAR U.S. NON-IMMIGRANT  
VISA IN 1976, AND THAT HE RECEIVED ONE FOUR-YEAR  
RENEWAL. IN 1984, HOWEVER, HIS APPLICATION FOR A VISA

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R 121032Z MAY 94  
FM AMEMBASSY BUENOS AIRES  
TO SECSTATE WASHDC 9961  
INFO USCINCSO QUARRY HEIGHTS PM  
AMEMBASSY SANTIAGO  
AMEMBASSY MONTEVIDEO

AMEMBASSY BRASILIA  
AMEMBASSY ASUNCION  
AMEMBASSY BONN  
AMEMBASSY ROME

UNCLAS SECTION 02 OF 02 BUENOS AIRES 003156

E.O. 12356: N/A

TAGS: PREL, PGOV, PHUM, SOCI, CJAN, IT, GM, AR  
SUBJECT: EX-NAZI ERICH PRIEBKE DETAINED IN ARGENTINA;  
MAY BE EXTRADITED TO ITALY

WAS DENIED, SINCE HIS NAME WAS DETERMINED TO BE A  
"PARTICIPANT IN NAZI PERSECUTIONS OR GENOCIDE." IN  
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1989 HE WAS AGAIN DENIED. HE COULD HAVE TRAVELED TO  
THE U.S. AFTER 1991 UNDER THE VISA WAIVER PROGRAM,  
SINCE HE STILL HOLDS A GERMAN PASSPORT. END NOTE)  
RELATED TO THE ARREST OF PRIEBKE, THE LOCAL PRESS ALSO  
SPECULATES ON THE PRESENCE IN SOUTHERN ARGENTINA OF  
ANOTHER FORMER NAZI, REINHARD KOOPS, WHO ALLEGEDLY  
USES THE NAME JUAN MAHLER AND WHO MAY HAVE GONE INTO  
HIDING IN NEIGHBORING CHILE. KOOPS/MAHLER ALLEGEDLY  
WAS INVOLVED IN THE BRIEF NAZI OCCUPATION OF ALBANIA.

CALL FOR ACTION

5. THE PRESIDENT OF DAIA, AN INFLUENTIAL UMBRELLA  
ORGANIZATION OF ARGENTINE JEWISH GROUPS, HAS CALLED ON  
THE GOA TO ENACT LEGISLATION THAT WILL FACILITATE THE  
WORK OF ORGANIZATIONS LIKE THE SIMON WIESENTHAL  
FOUNDATION IN FERRETING OUT FORMER NAZIS IN  
ARGENTINA. DAIA PRESIDENT RUBEN BERAJA TOLD THE PRESS  
THAT THE ORGANIZATION'S PROPOSAL WOULD BE SUBMITTED TO  
PRESIDENT MENEM ON MAY 10. BERAJA CALLED THE PROPOSAL  
A "CONTRIBUTION," NOT "PRESSURE," AND DESCRIBED  
PRIEBKE AS "NOT JUST A BUREAUCRAT, BUT THE THIRD-  
RANKING NAZI OFFICIAL IN ITALY" AT THE TIME.

COMMENT

6. FOR THE ITALIAN EMBASSY HERE IN ARGENTINA, THE  
CASE "DROPPED FROM THE SKY." THE ITALIANS SAY THEY  
HAD NO PRIOR KNOWLEDGE OF PRIEBKE'S PRESENCE IN  
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ARGENTINA. ALTHOUGH PRIEBKE HAS ARGENTINE IDENTITY  
DOCUMENTS, IT IS STILL UNCLEAR WHETHER OR NOT HE EVER  
BECAME A NATURALIZED ARGENTINE CITIZEN. THE NIV HE  
RECEIVED IN 1976 WAS IN A GERMAN PASSPORT. THE GERMAN  
EMBASSY HERE HAS CONFIRMED THAT PRIEBKE STILL HOLDS  
GERMAN CITIZENSHIP. IF HE SUBSEQUENTLY ACQUIRED  
ARGENTINE CITIZENSHIP, IT WOULD DIFFICULT UNDER  
ARGENTINE LAW FOR THE GOA TO EXTRADITE HIM. THE  
ITALIAN EMBASSY HAS TOLD US THAT IT WOULD COMPLICATED  
THEIR EFFORTS TO BRING HIM TO ROME.

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AMEMBASSY BRASILIA

UNCLAS SECTION 01 OF 02 BUENOS AIRES 003183

E.O. 12356: N/A  
TAGS: PREL, PGOV, PHUM, SOCI, CJAN, IT, GM, AR  
SUBJECT: MENEM SAYS ERICH PRIEBKE WILL BE EXTRADITED;  
HIS LAWYER AND ATTORNEY GENERAL CAST DOUBTS

REF: BUENOS AIRES 3156

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SUMMARY  
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1. PRESIDENT MENEM TOLD A RADIO TALK SHOW THAT ARGENTINA WILL IMMEDIATELY EXTRADITE ALLEGED NAZI WAR CRIMINAL ERICH PRIEBKE TO ITALY IF THE ITALIAN REQUEST IS IN ORDER. PRIEBKE'S LAWYER, HOWEVER, HAS ANNOUNCED THAT HIS CLIENT HAS ALREADY BEEN TRIED TWICE FOR HIS ALLEGED INVOLVEMENT IN THE ARDEATINE CAVES MASSACRE AND CANNOT BE TRIED AGAIN. MEANWHILE, ATTORNEY GENERAL OSCAR FAPPIANO TOLD CONGEN MAY 11 THAT THERE ARE TECHNICAL DEFICIENCIES IN THE EXTRADITION TREATY WITH ITALY. THE ITALIAN EMBASSY IS CONFIDENT, HOWEVER, THAT PRIEBKE WILL BE RETURNED TO ITALY. END SUMMARY.

GOA TO COOPERATE IN EXTRADITION

REVIEW AUTHORITY: Geoffrey Chapman, Senior Reviewer

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2. PRESIDENT MENEM TOLD A RADIO TALK SHOW AUDIENCE MAY 11 THAT THE GOA WILL EXTRADITE PRIEBKE TO ITALY "IMMEDIATELY" AS SOON AS THE DETAILS OF THE ITALIAN EXTRADITION REQUEST ARE KNOWN, AND ASSUMING THAT THE REQUEST IS IN ORDER. THE PRESIDENT SAID THAT PRIEBKE "IS A WAR CRIMINAL WHO, REGRETTABLY, WAS ONLY DETECTED RECENTLY" IN ARGENTINA, AND THAT THE GOA WILL COOPERATE FULLY WITH ITALIAN JUDICIAL AUTHORITIES. AT THE SAME TIME, LOCAL PRESS REVEALED THAT TWO ITALIAN INTERPOL OFFICIALS HAVE ARRIVED IN ARGENTINA. THE ITALIAN EMBASSY EXPECTS TO RECEIVE THE OFFICIAL EXTRADITION REQUEST ON MAY 13 AND INTENDS TO PRESENT

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IT TO THE ARGENTINE GOVERNMENT THAT SAME DAY. THE ITALIANS HAVE TOLD US THAT ARGENTINE OFFICIALS HAVE BEEN VERY COOPERATIVE AND HAVE SAID THEY INTEND TO MOVE THE CASE THROUGH THE ARGENTINE JUSTICE SYSTEM QUICKLY.

FOR THE DEFENSE

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3. IN THE MEANTIME, IN BARILOCHE, PRIEBKE'S LAWYER PEDRO BIANCHI TOLD THE PRESS THAT HE PLANS TO TRAVEL TO ITALY THE WEEK OF MAY 15 TO INVESTIGATE THE JUDICIAL RECORDS OF TWO TRIALS HELD THERE IN THE 1940S. BIANCHI ALLEGES THAT PRIEBKE WAS FOUND TO BE NOT INVOLVED IN THE CHARGES RELATED TO THE FIRST TRIAL, THAT HE WAS FOUND NOT GUILTY ON THE CHARGES RAISED IN THE SECOND TRIAL, AND THAT THEREFORE HE COULD NOT BE EXTRADITED TO ITALY BECAUSE OF THE DOUBLE JEOPARDY PROTECTION AFFORDED BY INTERNATIONAL LAW. BIANCHI SERVED AS FORMER PRESIDENT LEOPOLDO GALTIERI'S LAWYER DURING THE ALFONSIN-ERA TRIALS OF THE LEADERS OF THE PREVIOUS MILITARY REGIME. HE ALSO REPRESENTED GAETANO FINANZATI, A LEADING FIGURE IN THE NEAPOLITAN "CAMORRA" CRIME ORGANIZATION, IN AN UNSUCCESSFUL ATTEMPT TO RESIST EXTRADITION TO ITALY.

LEGAL COMPLICATIONS

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4. ARGENTINE ATTORNEY GENERAL OSCAR FAPPIANO TOLD CONGEN MAY 11 THAT HIS OFFICE WAS RESEARCHING THE

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 PRIEBKE CASE, PENDING THE ARRIVAL OF THE FORMAL  
 EXTRADITION REQUEST. HE SPECULATED THAT THE NATURE OF  
 ARGENTINA'S EXTRADITION TREATY MAY MAKE IT DIFFICULT  
 OR IMPOSSIBLE FOR THE GOA TO EXTRADITE PRIEBKE TO  
 ITALY, EVEN THOUGH HE IS NOT AN ARGENTINE CITIZEN.  
 FAPPIANO SAID THAT HIS OFFICE WAS DESPERATELY TRYING  
 TO FIND A SOLUTION THAT WOULD ALLOW THE GOA TO RID  
 ITSELF OF PRIEBKE. HE ADDED THAT IF CHARGES ARE  
 PENDING AGAINST PRIEBKE IN GERMANY, IT WOULD PROBABLY  
 BE POSSIBLE TO EXTRADITE HIM THERE. FAPPIANO KNEW OF  
 NO SUCH PENDING CHARGES. FAPPIANO SUGGESTED  
 DEPORTATION AS ANOTHER POSSIBILITY, ASSUMING THE GOA  
 COULD FIND A LEGAL BASIS FOR DOING SO, SUCH AS FALSE  
 STATEMENTS ON PRIEBKE'S RESIDENCY APPLICATION.  
 FAPPIANO SPECULATED, NEVERTHELESS, THAT WHATEVER LEGAL  
 PROCESS WAS USED, PRIEBKE'S ATTORNEY COULD USE  
 APPELLATE PROCEDURES TO DELAY HIS EXTRADITION OR  
 DEPORTATION FOR YEARS. GIVEN HIS AGE, FAPPIANO  
 THOUGHT  
 HT PRIEBKE LIKELY TO PASS AWAY FIRST.

5. THE ITALIAN EMBASSY, ON THE OTHER HAND, IS  
 CONFIDENT THAT ARGENTINA WILL EXTRADITE PRIEBKE TO

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AMEMBASSY BRASILIA

UNCLAS SECTION 02 OF 02 BUENOS AIRES 003183

E.O. 12356: N/A

TAGS: PREL, PGOV, PHUM, SOCI, CJAN, IT, GM, AR  
SUBJECT: MENEM SAYS ERICH PRIEBKE WILL BE EXTRADITED;  
HIS LAWYER AND ATTORNEY GENERAL CAST DOUBTS

ITALY. IT BELIEVES THE ITALIAN REQUEST MEETS THE  
TREATY'S REQUIREMENTS. AN EMBASSY OFFICIAL TOLD US  
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THAT THE TREATY HAS PROVEN EFFECTIVE IN RECENT YEARS,  
BOTH IN ROUTINE CASES AND IN INSTANCES SUCH AS THE  
FINANZATI CASE WHERE POPULAR AND OFFICIAL ATTENTION  
HAS BEEN INTENSE. OUR CONTACT TOOK ADDED COMFORT FROM  
MENEM'S COMMENTS REGARDING THE CASE, NOTING THAT TO  
SOME EXTENT THE ARGENTINE LEGAL ENVIRONMENT IS STILL  
CONDITIONED BY THE POLITICAL ENVIRONMENT.

COMMUNITY SUPPORT, AND MORE NAZIS?  
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6. SOME STUDENTS OF THE SCHOOL IN BARILOCHE THAT HAS  
TIES TO PRIEBKE AND TO THE LOCAL GERMAN COMMUNITY, AND  
SOME OF THEIR PARENTS, HAVE CALLED FOR A SOLIDARITY  
MARCH MAY 13 IN SUPPORT OF PRIEBKE. OTHER PARENTS  
HAVE OPPOSED THE IDEA. THE PRESS ALSO REPORTS ON THE  
ALLEGED INVOLVEMENT OF ONE WILFRED VON OWEN -- SAID TO  
HAVE BEEN GOEBBELS' PROPAGANDA AND PRESS ADVISOR -- IN  
A SURREPTITIOUS NETWORK THAT HELPED EX-NAZI OFFICIALS  
TO IMMIGRATE TO OTHER COUNTRIES UNDETECTED VON OWEN  
WAS AT ONE TIME A RESIDENT OF ARGENTINA. THE MEDIA  
ALSO REPORTS ON EFFORTS, UNSUCCESSFUL SO FAR, TO FIND  
ANOTHER BARILOCHE RESIDENT, REINHARD KOPPS (ALIAS JUAN  
MAHLER) ALSO ALLEGED TO BE AN EX-NAZI WAR CRIMINAL.

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INFO AMEMBASSY SANTIAGO  
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DECONTROLLED

E.O. 12356: N/A  
TAGS: PHUM, PGOV, AR

SUBJECT: PRIEBKE CASE: BARILOCHE CITY COUNCIL  
REJECTS, THEN APPROVES ANTI-NAZI DECLARATION

1. REPRESENTATIVES FROM THE FAMILIES OF THE VICTIMS  
OF THE ARDEATINE CAVES MASSACRE RECENTLY VISITED  
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BARILOCHE TO REINFORCE THE CASE FOR THE EXTRADITION OF  
EX-NAZI SS CAPTAIN ERICH PRIEBKE AND INFORM THE  
BARILOCHE COMMUNITY OF PRIEBKE'S BACKGROUND AND  
SERVICE IN THE SS. IN RESPONSE TO THE VISIT, RADICAL  
CIVIC UNION (UCR) COUNCIL MEMBER CARLOS SOLIVEREZ  
INTRODUCED A RESOLUTION CONDEMNING NAZISM AND  
EXPRESSING SOLIDARITY WITH THE FAMILIES OF THE VICTIMS.

2. HOWEVER, THE COUNCIL REJECTED THE MEASURE 4 TO 1.  
TWO JUSTICIALIST PARTY (PJ) AND TWO RIO NEGRO  
PROVINCIAL PARTY (PPR) COUNCIL MEMBERS OPPOSED THE  
RESOLUTION. ONE OF THEM, CARLOS PULLEIRO (PJ),  
JUSTIFIED HIS VOTE EXPLAINING THAT "IF WE EXPRESSED  
SOLIDARITY WITH THE FAMILIES OF THE VICTIMS OF THE  
ROME MASSACRE, WE SHOULD ALSO EXPRESS SOLIDARITY WITH  
THE GERMAN SOLDIERS WHO DIED IN THE (PARTISAN)  
ATTACK." (THE SS SHOT THE ARDEATINE CAVE VICTIMS IN

REVIEW AUTHORITY: Geoffrey Chapman, Senior  
Reviewer

REPRISAL FOR A PARTISAN ATTACK IN WHICH 33 GERMAN SOLDIERS DIED.) PULLEIRO MAINTAINED THAT THE ISSUE SHOULD NOT CONTINUE TO DIVIDE BARILOCHE.

3. IN REACTION TO THE HARSH PUBLIC AND PRESS CRITICISM THAT ENSUED, TWO COUNCIL MEMBERS, ESTER ACUNA (PJ) AND HECTOR BOGISIC (PPR), CHANGED THEIR VOTE, AND THE CITY COUNCIL APPROVED THE RESOLUTION OCTOBER 1. ACUNA SAID SHE HAD VOTED AGAINST THE RESOLUTION THE FIRST TIME BECAUSE SHE BELIEVED SOLIVEREZ' INITIATIVE WAS JUST A POLITICAL PLOY. BOGISIC EXPLAINED THAT HE HAD OBJECTED TO THE FORM IN WHICH THE RESOLUTION WAS INTRODUCED AND THE RUSHED MANNER IN WHICH THE SUBJECT "OF SUCH IMPORTANCE" WAS LIMITED OFFICIAL USE

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PAGE 03 BUENOS 06771 122049Z  
TREATED.

4. IN THE MEANTIME, AT A PUBLIC CEREMONY CELEBRATING THE OCTOBER 3RD ANNIVERSARY OF GERMAN UNIFICATION, THE GERMAN HONORARY CONSUL, ON BEHALF OF THE GERMAN-ARGENTINE COMMUNITY, REPUDIATED NAZISM AND EXPRESSED THE COMMUNITY'S SUPPORT FOR DEMOCRATIC VALUES. THE PRINCIPAL SPEAKER AT LAST YEAR'S COMMEMORATION WAS – ERICH PRIEBKE, IN HIS CAPACITY AS HEAD OF THE GERMAN-ARGENTINE CULTURAL ASSOCIATION.

5. COMMENT: SOME HAVE SEIZED ON THE POLITICAL CONTRETEMPS IN THE CITY COUNCIL AS EVIDENCE OF PRO-NAZI SYMPATHIZERS. BARILOCHE, IS A DEEPLY CONSERVATIVE COMMUNITY, AND PRIEBKE, A WELL-KNOWN FIGURE IN THE TOWN, HAS LIVED THERE FOR DECADES. THE RESOLUTION BRUHAHA IS MORE LIKELY DUE TO MISGUIDED SENTIMENT THAT HE IS BEING PERSECUTED UNFAIRLY FOR INVOLVEMENT IN ACTS OF WAR.

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PAGE 01 BUENOS 07635 222116Z  
ACTION OCS-06

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C O N F I D E N T I A L 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

1. CONFIDENTIAL - ENTIRE TEXT.

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PAGE 02 BUENOS 07635 222116Z  
2. THIS IS AN ACTION CABLE. SEE PARA 8.

3. 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

REVIEW AUTHORITY: Geoffrey Chapman, Senior  
Reviewer

UNDER INTERNATIONAL LAW WHICH MIGHT PROVIDE A BASIS FOR EXTRADITION. END SUMMARY.

4. 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 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  
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PAGE 03 BUENOS 07635 222116Z  
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  
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PAGE 04 BUENOS 07635 222116Z  
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.  
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C O N F I D E N T I A L STATE 131230

FOR AMBASSADOR AND DCM ONLY

E.O. 12356: DECL: OADR  
TAGS: AMGT AR CI PA UY  
SUBJECT: OFFICIAL-INFORMAL

ASDAR FOR MAY 13

(U) ARGENTINA: FORMER NAZI UNDER ARREST. FORMER SS  
CAPTAIN ERICH PRIEBKE -- WHO ADMITTED IN AN INTERVIEW  
WITH ABC'S SAM DONALDSON TO PARTICIPATING IN A MASSACRE  
OF 335 CIVILIANS NEAR ROME DURING WORLD WAR II -- HAS  
BEEN PLACED UNDER HOUSE ARREST IN BARILOCHE WHERE HE HAS  
LIVED SINCE 1968. THE ITALIANS, WHO SAY THEY WERE  
CONFIDENTIAL

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PAGE 02 STATE 131230 172121Z  
UNAWARE OF PRIEBKE'S PRESENCE IN ARGENTINA, HAVE FILED AN  
EXTRADITION REQUEST WHICH WILL BE CONSIDERED BY THE  
ARGENTINE FEDERAL COURTS. IF PRIEBKE HAS OBTAINED  
ARGENTINE CITIZENSHIP, HIS EXTRADITION COULD BE  
DIFFICULT. (COOKE)

(C) PARAGUAY: GOOD NEWS FROM THE IFIS. FINANCE MINISTER  
SANDOVAL TOLD CHARGE MCCULLOCH THAT THE IMF IS PLEASED  
WITH PARAGUAY'S FISCAL MANAGEMENT. THIS ASSESSMENT WAS  
CONFIRMED BY LOCAL IDB DIRECTOR RIVEROS, WHO ADDED THAT  
PARAGUAY HAD NOW MET THE CONDITIONS FOR DISBURSEMENT OF  
THE FIRST TRANCHE OF ITS USD 70 MILLION INVESTMENT SECTOR  
LOAN. SANDOVAL SAID THE GOP IS NEGOTIATING BILATERALLY  
WITH ITS EUROPEAN CREDITORS, RATHER THAN RESCHEDULING ITS  
PARIS CLUB DEBT. ON A RELATED SUBJECT, SANDOVAL SAID THE  
GOP WOULD MOVE AHEAD ON PRIVATIZATION AS SOON AS CONGRESS

REVIEW AUTHORITY: Geoffrey Chapman, Senior  
Reviewer

PASSES THE GOVERNMENT'S BILL UNDER CONSIDERATION.  
(CAMPBELL)

(C) PARAGUAY: COLORADOS DIVIDE OVER EDUCATION REFORM.  
A CALL BY EDUCATION MINISTER DUARTE FRUTOS TO SELECT  
TEACHERS BY MERIT HAS DIVIDED THE COLORADO PARTY BETWEEN  
THOSE WHO WANT BETTER EDUCATION AND THOSE WHO WANT TO  
MAINTAIN PATRONAGE JOBS. COLORADO PRESIDENT SANABRIA  
CANTERO AND ARMY COMMANDER GEN. OVIEDO ARE LEADING THE  
EFFORT TO KEEP THE EDUCATION MINISTRY A REPOSITORY OF  
COLORADO VOTES AND JOBS, AND HAVE PRESSED WASMOSY TO FIRE  
DUARTE FRUTOS. THE EMBASSY NOTES THE DISPUTE IS THE  
CLEAREST EXAMPLE TO DATE OF THE CONTRADICTION FORCES IN  
THE COLORADO PARTY. (CAMPBELL)  
TALBOTT

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PAGE 03 STATE 131230 172121Z

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C O N F I D E N T I A L BUENOS AIRES 002625

E.O. 12356: DECL: 05/05/00  
TAGS: PHUM, CJAN, PREL, IT, AR  
SUBJECT: FEDERAL JUDGE ORDERS EXTRADITION OF EX-SS  
OFFICER ERICH PRIEBKE

REF: (A) 94 BUENOS AIRES 6771 (B) BUENOS AIRES 7635

1. (U) ON MAY 4, FEDERAL JUDGE LEONIDAS MOLDES  
GRANTED ITALY'S REQUEST FOR THE EXTRADITION OF EX-SS  
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PAGE 02 BUENOS 02625 051755Z  
CAPTAIN ERICH PRIEBKE FOR THE 1944 ASSASSINATION OF  
335 ITALIAN CIVILIANS IN THE FOSAS ARDEATINAS.  
COUNTERING DEFENSE ARGUMENTS THAT WAR CRIMES WERE NOT  
EXTRADITABLE UNDER ARGENTINE LAW, MOLDES SAID IN HIS  
DECISION THAT THE "CHARGES FILED BY THE ITALIAN COURT  
WERE NOT RENDERED INADMISSIBLE SINCE THEY CONCERNED  
CRIMES AGAINST HUMANITY, NOT WAR CRIMES." MOLDES ALSO

REVIEW AUTHORITY: Geoffrey Chapman, Senior  
Reviewer

DENIED THE DEFENSE CONTENTION THAT THE 15-YEAR ARGENTINE STATUTE OF LIMITATIONS FOR HOMICIDE HAS ALREADY BEEN SURPASSED, NOTING THAT INTERNATIONAL TREATIES (EXTRADITION TREATIES OF 1886 AND 1987 WITH ITALY AND THE VIENNA CONVENTION) HAD PRIMACY OVER NATIONAL LAW (ARTICLE 75, SECTION 22 OF THE NEW CONSTITUTION). THE QUESTION OF A SOLDIER FOLLOWING ORDERS, HE SAID, WAS ONE FOR THE ITALIAN COURT TO DECIDE.

2. (U) PRIEBKE'S DEFENSE ATTORNEY, PEDRO BIANCHI SAID HIS CLIENT WILL FILE AN APPEAL TO THE FEDERAL APPELLATE COURT IN GENERAL BOCA. IF PRIEBKE LOSES IN THE SECOND ROUND, THE CASE COULD BE APPEALED TO THE SUPREME COURT.

3. (U) THE RULING CREATED A CONSIDERABLE STIR IN BARILOCHE WHERE PRIEBKE'S SUPPORTERS HAVE WAGED A DETERMINED CAMPAIGN TO PREVENT HIS EXTRADITION. REPORTEDLY, THE MAYOR OF BARILOCHE BECAME SO UPSET AT THE NEWS, SHE HAD TO BE HOSPITALIZED.

4. (C) COMMENT: MOLDES HAS BEEN UNDER CONSIDERABLE PRESSURE BY THE APPEALS COURT AND MANY PROMINENT  
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PAGE 03 BUENOS 02625 051755Z  
MEMBERS OF THE BARILOCHE COMMUNITY TO DENY THE ITALIAN EXTRADITION REQUEST. THE COURT, WHICH PREFERRED NOT TO HAVE TO DEAL WITH THE MATTER, HAD HOPED MOLDES WOULD DISPOSE OF THE CASE BASED ON A STRICT READING OF THE LAW. PRIEBKE'S SUPPORTERS IN BARILOCHE INCLUDE MEMBERS OF THE CITY COUNCIL WHO HAD VOTED AGAINST A RESOLUTION CONDEMNING NAZI CRIMES AND EXPRESSING SOLIDARITY WITH THE FAMILIES OF THE VICTIMS. MOLDES' DECISION WAS A COURAGEOUS ONE, GIVEN THE MILIEU IN WHICH HE LIVES.  
CHEEK



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E.O. 12356: N/A  
TAGS: PHUM, CJAN, PREL, IT, AR  
SUBJECT: FEDERAL APPEALS COURT RULES AGAINST  
EXTRADITION OF EX-SS OFFICER ERICH PRIEBKE

REF: BUENOS AIRES 2625

1. DECONTROL UPON RECEIPT - SENSITIVE BUT UNCLASSIFIED  
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- PROTECT ACCORDINGLY.

2. SUMMARY: REVERSING A LOWER COURT RULING, A FEDERAL  
APPEALS COURT DENIED ITALY'S EXTRADITION REQUEST OF  
EX-NAZI ERICH PRIEBKE. THE GOA WILL APPEAL THE  
DECISION TO THE SUPREME COURT, BUT IN THE MEANTIME  
PRIEBKE COULD SOON BE RELEASED FROM HOUSE ARREST. END

REVIEW AUTHORITY: Geoffrey Chapman,  
Senior Reviewer

SUMMARY.

3. A REGIONAL FEDERAL APPEALS COURT OVERTURNED THE LOCAL BARILOCHE COURT'S RULING TO EXTRADITE EX-NAZI CAPTAIN ERICH PRIEBKE TO ITALY FOR THE 1943 MURDER OF 335 CIVILIAN HOSTAGES (REFTEL). THE TWO TO ONE DECISION REJECTED THE LOWER COURT'S INTERPRETATION OF THE INAPPLICABILITY OF THE ARGENTINE STATE OF LIMITATIONS FOR HOMICIDE (15 YEARS). IN HIS OPINION, JUDGE CARLOS MULLER SAID "THE EXTRADITION TREATY WITH ITALY MAKES NO DISTINCTION BETWEEN ORDINARY HOMICIDE, WAR CRIMES, OR CRIMES AGAINST HUMANITY...THEREFORE, ONE MUST CONSIDER THAT THE EXTRADITABLE OFFENSE IS THAT OF HOMICIDE" WHICH IS SUBJECT TO THE STATUTE OF LIMITATIONS. JUDGE ARTURO PEREZ PETIT AGREED, SAYING THAT THE EXTRADITION REQUEST WAS BASED ON ORDINARY OFFENSES (DELITOS COMUNES). JUDGE MIGUEL ANGEL VILLAR DISSENTED SAYING THAT THE CRIME FOR WHICH PRIEBKE IS TO BE TRIED WAS A WAR CRIME AND THUS NOT SUBJECT TO THE STATUTE OF LIMITATIONS.

4. AN EMBASSY FSN SPOKE TO LOWER COURT JUDGE LEONIDAS MOLDES WHO TOLD HER THAT HE WILL HAVE TO ORDER PRIEBKE'S RELEASE AT ANY MOMENT. PRIEBKE WILL, THUS, LIMITED OFFICIAL USE

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PAGE 03 BUENOS 05215 242053Z  
REMAIN FREE WHILE THE GOA TAKES ITS APPEAL TO THE SUPREME COURT. A PROMINENT ATTORNEY TOLD US THAT PRIEBKE COULD EASILY SLIP OUT OF THE COUNTRY AND PERHAPS FLEE TO AN ARAB COUNTRY TO AVOID EXTRADITION ALTOGETHER. IMMIGRATION CONTROLS, HE ASSERTED, ARE NOTORIOUSLY WEAK, AND PRIEBKE COULD CROSS THE CHILEAN BORDER WHICH IS LESS THAN 50 KILOMETERS FROM BARILOCHE.

5. BOTH THE FEDERAL PROSECUTOR AND ALBERTO SUPPI, THE ITALIAN EMBASSY LEGAL COUNSEL SAID THEY WILL FILE AN IMMEDIATE APPEAL TO THE SUPREME COURT. INTERIOR MINISTER CARLOS CORACH LAMENTED THE RULING AS A "SETBACK" FOR THE ADVANCEMENT OF HUMAN RIGHTS IN THIS COUNTRY AND A BLOW TO ARGENTINA'S (INTERNATIONAL) IMAGE. CORACH EXPRESSED CONFIDENCE, HOWEVER, THAT THE SUPREME COURT WILL ULTIMATELY ORDER PRIEBKE'S EXTRADITION.

6. THE DECISION CAME AS A SHOCK TO JEWISH COMMUNITY LEADERS. THEY HAD BEEN IN CONSTANT TOUCH WITH JUDGE MOLDES PRIOR TO HIS FAVORABLE RULING, BUT BECAUSE OF THEIR BELIEF THAT THE APPEALS COURT WOULD SIMPLY

CONFIRM THE LOWER COURT'S RULING, THEY WERE NOT AS ATTENTIVE TO THE CASE SINCE THEN.

7. COMMENT: THE ATTORNEY'S CONCERNS ABOUT PRIEBKE'S POSSIBLE FLIGHT HAVE VALIDITY. ONLY PRIEBKE'S ADVANCED AGE AND TIES TO THE BARILOCHE COMMUNITY MAY KEEP HIM IN THIS COUNTRY.  
CHEEK

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E.O. 12356: N/A  
TAGS: PHUM, CJAN, PREL, IT, GM, AR  
SUBJECT: MORE ON PRIEBKE EXTRADITION CASE

REF: (A) BUENOS AIRES 2625 (NOTAL)  
- (B) BUENOS AIRES 5215 (NOTAL)

1. DECONTROL UPON RECEIPT - SENSITIVE BUT UNCLASSIFIED  
- PROTECT ACCORDINGLY.

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PAGE 02 BUENOS 05245 251853Z  
2. IN THE WAKE OF THE FEDERAL APPEALS COURT REVERSAL  
OF A LOWER COURT'S RULING TO EXTRADITE EX-NAZI ERICH  
PRIEBKE TO ITALY, PRIEBKE WAS RELEASED FROM CUSTODY.  
HE HAD BEEN UNDER HOUSE ARREST SINCE ITALY REQUESTED  
HIS EXTRADITION IN 1994.

3. FEDERAL JUDGE LEONIDAS MOLDES, WHOSE FAVORABLE

REVIEW AUTHORITY: Geoffrey Chapman, Senior  
Reviewer

EXTRADITION RULING WAS REVERSED, TOLD AN EMBASSY FSN THAT UNDER THE LAW, HE WAS OBLIGED TO GRANT PRIEBKE "ABSOLUTE AND TOTAL FREEDOM." THIS MEANS PRIEBKE CAN TRAVEL ANYWHERE IN THE COUNTRY AND CAN LEAVE ARGENTINA FREELY. SHOULD THE SUPREME COURT REVERSE THE COURT OF APPEALS DECISION AND GRANT ITALY THE EXTRADITION, PRIEBKE WOULD BE SUMMONED TO APPEAR VOLUNTARILY BEFORE THE COURT IN BARILOCHE TO SURRENDER TO ITALIAN AUTHORITIES. IF HE DOES NOT APPEAR, A WARRANT FOR HIS ARREST WOULD BE ISSUED.

4. PRIEBKE'S STATUS MAY DEPEND ON THE OUTCOME OF A NEW EXTRADITION REQUEST. THE PRESS REPORTS THAT GERMANY IS NOW SEEKING PRIEBKE'S EXTRADITION AND HAS ASKED FOR HIS PREVENTIVE DETENTION. PRIEBKE'S ATTORNEY SAID THAT "WE WILL ABIDE BY THE GERMAN REQUEST BECAUSE WE HAVE CONFIDENCE IN THE GERMAN JUDICIAL SYSTEM, SOMETHING WE DO NOT HAVE WITH THE ITALIAN."

5. THE DE FACTO SPOKESMAN FOR THE JEWISH-ARGENTINE COMMUNITY, RUBEN BERAJA, TOLD LABATT LAST NIGHT THAT HE WAS LOOKING INTO THE LEGAL POSSIBILITIES OF PROHIBITING PRIEBKE'S TRAVEL OUTSIDE THE COUNTRY.

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6. COMMENT: NOTHING MOVES QUICKLY IN THE ARGENTINE JUDICIAL SYSTEM, AND THE GERMAN EXTRADITION REQUEST IS UNLIKELY TO BE AN EXCEPTION. IN THE MEANTIME, PRIEBKE IS FREE TO GO WHERE HE WISHES.  
CHEEK

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C O N F I D E N T I A L BUENOS AIRES 005299

E.O. 12356: DECL: 8/25/99  
TAGS: PHUM, CJAN, PREL, IT, GM, AR  
SUBJECT: PRIEBKE RE-ARRESTED BASED ON GERMAN  
EXTRADITION REQUEST

REF: BUENOS AIRES 5242

1. (SBU) STUNG BY DOMESTIC AND INTERNATIONAL CRITICISM  
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PAGE 02 BUENOS 05299 281931Z  
OVER THE RELEASE OF EX-SS CAPTAIN ERICH PRIEBKE, THE  
GOA ACTED WITH UNCHARACTERISTIC SPEED IN ACCEDING TO A  
GERMAN REQUEST FOR HIS PROVISIONAL ARREST AND  
EXTRADITION. PRIEBKE WAS PUT UNDER HOUSE ARREST AFTER  
ONLY 28 HOURS OF FREEDOM. NEVERTHELESS, THE ITALIAN  
REQUEST STILL HAS PRIORITY AS IT AWAITS A DECISION BY  
THE SUPREME COURT. END SUMMARY.

REVIEW AUTHORITY: Geoffrey Chapman, Senior  
Reviewer

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GERMANY STEPS IN  
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2. (SBU) THE GERMAN EMBASSY CONSUL GENERAL TOLD LABATT THAT THE GERMAN REQUEST FOR PRIEBKE'S PROVISIONAL REQUEST AND EXTRADITION WAS ORIGINALLY ISSUED IN MID-JUNE FOLLOWING THE GERMAN PROSECUTOR'S MEETING WITH HIS ITALIAN COUNTERPART. THE GERMAN DECIDED TO ISSUE AN ARREST WARRANT BASED ON PRIEBKE'S ACTION IN MURDERING ONE OR TWO OF THE ITALIAN HOSTAGES AND HIS INVOLVEMENT AS AN ACCESSORY TO THE MURDER OF THE OTHER HOSTAGES. THE INITIAL REQUEST, MADE THROUGH INTERPOL, WAS REJECTED BY THE BARILOCHE COURT WITH THE RECOMMENDATION THAT IT BE SENT INSTEAD VIA DIPLOMATIC CHANNELS. THIS WAS DONE, AND, IN THE WAKE OF THE FEDERAL APPEALS COURT DENIAL OF THE ITALIAN REQUEST, WAS EXPEDITED TO PREVENT PRIEBKE FROM LEAVING THE COUNTRY. ONCE THE FRG PROPERLY TRANSMITTED THE REQUEST TO THE GOA, JUDGE LEONIDAS MOLDES PROMPTLY ISSUED A NEW ARREST ORDER.

3. (C) PRIEBKE, THROUGH HIS LAWYER, HAS INDICATED HIS  
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PAGE 03 BUENOS 05299 281931Z  
PREFERENCE TO BE JUDGED BY A GERMAN COURT. THE GERMAN CONSUL (PROTECT) SAID THIS WAS NOT SURPRISING SINCE GERMAN COURTS ARE KNOWN TO BE QUITE LENIENT IN CASES OF THIS TYPE. IF PRIEBKE WERE TO BE TRIED IN GERMANY, HE WOULD VERY LIKELY BE ALLOWED TO REMAIN AT LIBERTY PENDING THE TRIAL. THEREFORE, PRIEBKE MIGHT TRY TO MAKE A DEAL WITH THE GERMAN PROSECUTOR TO LIFT THE EXTRADITION REQUEST IN EXCHANGE FOR HIS (PRIEBKE'S) PROMISE TO APPEAR VOLUNTARILY BEFORE THE GERMAN COURT. FOR THESE REASONS, ACCORDING TO THE GERMAN CONSUL, THE FRG HOPES TO SEE THE ITALIAN PETITION SUCCEED; FURTHERMORE, THE CASE UNDER GERMAN LAW DID NOT APPEAR TO BE AS STRONG AS THE CASE UNDER ITALIAN LAW.

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ITALIAN REQUEST HAS PRECEDENCE  
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4. (SBU) PRIEBKE REMAINS UNDER HOUSE ARREST UNTIL THE DISPOSITION OF THE ITALIAN REQUEST WHICH HAS PRECEDENCE ACCORDING TO JUDGE MOLDES. IF THE SUPREME

COURT DENIES THE ITALIAN PETITION, THE GERMAN ONE WILL BE CONSIDERED. HOWEVER, SINCE GERMANY DOES NOT HAVE A BILATERAL EXTRADITION TREATY WITH ARGENTINA, ITS REQUEST MUST FIRST BE APPROVED BY THE PRESIDENT BEFORE IT CAN BE SUBMITTED TO THE ARGENTINE COURTS. AFTER PRESIDENTIAL APPROVAL, IT WOULD BE PROCESSED THROUGH THE COURTS UP TO THE SUPREME COURT, IF NECESSARY.

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COMMENT

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PAGE 04 BUENOS 05299 281931Z

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5. (SBU) THE DECISION BY THE FEDERAL APPEALS COURT WHICH LED TO PRIEBKE'S RELEASE WAS SEEN BY SENIOR GOA OFFICIALS, INCLUDING PRESIDENT MENEM, AS A SERIOUS BLOW TO THE COUNTRY'S IMAGE. THE GERMAN REQUEST FOR PRIEBKE'S PROVISIONAL ARREST, THUS, CAME AT A FORTUITOUS MOMENT, AND THE GOA MOVED WITH UNCOMMON SPEED TO TRANSMIT THE PAPERWORK. JUDGE MOLDES, WHO HAD ORIGINALLY APPROVED THE ITALIAN EXTRADITION REQUEST, ALSO ACTED QUICKLY TO ORDER HIS ARREST, SPARING ARGENTINA FURTHER EMBARRASSMENT. THE BALL IS NOW IN THE SUPREME COURT.  
CHEEK

CONFIDENTIAL

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PTQ7463

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PAGE 01 BUENOS 06939 031541Z  
ACTION ARA-01

INFO LOG-00 ACDA-17 ACDE-00 AID-00 AMAD-01 CA-02 CIAE-00  
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M-00 NSAE-00 NSCE-00 OCS-03 OIC-02 OMB-01 PA-02  
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T-00 USIE-00 PMB-00 PRM-10 PRME-01 DRL-09 G-00  
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P 031441Z NOV 95  
FM AMEMBASSY BUENOS AIRES  
TO SECSTATE WASHDC PRIORITY 8774  
INFO AMEMBASSY ROME PRIORITY  
AMEMBASSY MONTEVIDEO  
AMEMBASSY BRASILIA  
AMEMBASSY ASUNCION  
AMEMBASSY BONN  
AMEMBASSY SANTIAGO

UNCLAS BUENOS AIRES 006939

E.O. 12958: N/A  
TAGS: PHUM, CJAN, PREL, IT, AR, GM  
SUBJECT: SUPREME COURT VOTES TO EXTRADITE EX-NAZI  
PRIEBKE

REF: (A) BUENOS AIRES 5215, (B) BUENOS AIRES 5245,  
(C) BUENOS AIRES 5299  
UNCLASSIFIED

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PAGE 02 BUENOS 06939 031541Z

1. THE ARGENTINE SUPREME COURT OVERTURNED A FEDERAL  
APPEALS COURT RULING (REF A) AND VOTED 6 TO 3 TO  
EXTRADITE FORMER SS CAPTAIN ERICH PRIEBKE TO ITALY.  
THE COURT RULED THAT THE CRIME FOR WHICH PRIEBKE WAS  
ACCUSED (THE KILLING OF 335 ITALIAN HOSTAGES IN 1944)  
WAS A CRIME AGAINST HUMANITY AND THEREFORE NOT SUBJECT

REVIEW AUTHORITY: Geoffrey Chapman, Senior  
Reviewer

PTQ7463

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PAGE 01 BUENOS 06939 031541Z  
ACTION ARA-01

INFO LOG-00 ACDA-17 ACDE-00 AID-00 AMAD-01 CA-02 CIAE-00  
SMEC-00 OASY-00 DODE-00 DOEE-00 SRPP-00 EB-01 EUR-01  
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P 031441Z NOV 95  
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INFO AMEMBASSY ROME PRIORITY  
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AMEMBASSY ASUNCION  
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AMEMBASSY SANTIAGO

UNCLAS BUENOS AIRES 006939

E.O. 12958: N/A  
TAGS: PHUM, CJAN, PREL, IT, AR, GM  
SUBJECT: SUPREME COURT VOTES TO EXTRADITE EX-NAZI  
PRIEBKE

REF: (A) BUENOS AIRES 5215, (B) BUENOS AIRES 5245,  
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PAGE 02 BUENOS 06939 031541Z

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REVIEW AUTHORITY: Geoffrey Chapman, Senior  
Reviewer

TO THE NORMAL STATUTE OF LIMITATIONS FOR ORDINARY HOMICIDE. PRIEBKE'S ATTORNEY SAID HE WOULD FILE A TECHNICAL APPEAL.

2. ONCE THE OFFICIAL RULING IS TRANSMITTED TO THE FEDERAL COURT IN BARILOCHE VIA THE APPEALS COURT IN GENERAL ROCA, FEDERAL JUDGE LEONIDAS MOLDES WILL BE CHARGED WITH ARRANGING FOR THE ACTUAL EXTRADITION. PRIEBKE HAS BEEN UNDER HOUSE ARREST IN BARILOCHE SINCE MAY 1994 PENDING THE OUTCOME OF EXTRADITION PROCEEDINGS.

3. MOLDES TOLD US THAT HE EXPECTS TO RECEIVE THE PAPER WORK FROM THE SUPREME COURT NEXT WEEK. HE THEN WILL OFFICIALLY INFORM THE FOREIGN MINISTRY WHICH, IN TURN, WILL NOTIFY THE ITALIAN EMBASSY. THE EMBASSY THEN HAS UP TO 45 DAYS TO ARRANGE PRIEBKE'S TRANSFER TO ITALY. (IF THE RULING WAS BASED ON AN OLDER EXTRADITION TREATY, THE PERIOD ALLOWED WOULD BE 30 DAYS.) MOLDES SAID THAT PRIEBKE'S ATTORNEY'S APPEAL SHOULD NOT DELAY THE PROCESS.  
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PAGE 01 STATE 202060 242116Z  
ORIGIN ARA-01

INFO LOG-00 ACDA-17 ACDE-00 AID-00 AMAD-01 A-00 CG-00  
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INR-00 INSE-00 IO-02 JUSE-00 L-01 ADS-00 NSAE-00  
NSCE-00 OES-09 OIC-02 OIG-04 OIS-01 PA-02 PM-00  
PRS-01 SP-00 SS-00 PMB-00 SSAH-00 DRL-09 /052R

DRAFTED BY: ARA/P: LSHAMILTON  
APPROVED BY: ARA/P: MLMCCLENNY  
PA: JDINGER (SUBS)  
DESIRED DISTRIBUTION:  
H - MVELOZ, DRL/BA - PLLAHEY, NSC - FARMSTRONG  
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O P 242114Z AUG 95  
FM SECSTATE WASHDC  
TO ALL AMERICAN REPUBLIC DIPLOMATIC POSTS IMMEDIATE  
AMEMBASSY BRUSSELS PRIORITY  
AMEMBASSY COPENHAGEN PRIORITY  
USMISSION GENEVA PRIORITY  
AMEMBASSY LISBON PRIORITY  
AMEMBASSY LONDON PRIORITY  
AMEMBASSY MADRID PRIORITY  
AMEMBASSY PARIS PRIORITY  
AMEMBASSY PORT AU PRINCE PRIORITY  
AMCONSUL RIO DE JANEIRO PRIORITY  
AMEMBASSY THE HAGUE PRIORITY  
INFO AMEMBASSY OTTAWA PRIORITY  
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PAGE 02 STATE 202060 242116Z  
USCINCLANT NORFOLK VA PRIORITY  
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NAVSTA PANAMA CANAL RODMAN PN/PAO PRIORITY  
USTRANS INTEL CEN SCOTT AFB IL//INOW// PRIORITY  
AMCONSUL SAO PAULO PRIORITY  
USIA WASHDC PRIORITY 5485  
USMISSION USUN NEW YORK PRIORITY  
AMCONSUL CIUDAD JUAREZ

REVIEW AUTHORITY: Geoffrey Chapman, Senior  
Reviewer



AMCONSUL HERMOSILLO  
AMCONSUL MATAMOROS  
AMCONSUL MERIDA  
AMCONSUL NUEVO LAREDO  
USCINCSO QUARRY HTS PN  
AMCONSUL TIJUANA  
XMT AMEMBASSY NASSAU  
AMEMBASSY PORT OF SPAIN

UNCLAS STATE 202060

ALL POSTS PLEASE PASS PAO; ROME ALSO FOR VATICAN

E.O. 12356: N/A

TAGS: OPRC

SUBJECT: ARA GUIDANCES, THURSDAY, AUGUST 24, 1995

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1. ARA PRESS STATEMENT AND GUIDANCES OF AUGUST 24, 1995:  
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FOR IMMEDIATE RELEASE  
AUGUST 24, 1995  
STATEMENT BY JOHN DINGER, ACTING SPOKESMAN  
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PAGE 03 STATE 202060 242116Z

-- GUATEMALA: U.S. WELCOMES TEMPORARY CEASE-FIRE --

THE UNITED STATES GOVERNMENT WELCOMES THE AUGUST 22 ANNOUNCEMENT BY GUATEMALAN NATIONAL REVOLUTIONARY UNITY (URNG) OF A CEASE-FIRE DURING NOVEMBER 1-13, COINCIDING WITH SCHEDULED NATIONAL ELECTIONS. A CEASE-FIRE WILL HELP ENSURE THAT THESE ELECTIONS TAKE PLACE IN A CLIMATE FREE OF VIOLENCE AND INTIMIDATION.

WE ALSO WELCOME THE COMMITMENT BY LEADERS OF GUATEMALAN POLITICAL PARTIES TO IMPLEMENT ANY ACCORDS REACHED BETWEEN THE GOVERNMENT AND THE URNG. AN END TO THE ARMED STRUGGLE IS A CRUCIAL STEP TOWARD RESTORING FULL RESPECT FOR HUMAN RIGHTS IN GUATEMALA AND PERMITTING ALL GUATEMALANS TO ENJOY THE BENEFITS OF PEACE, DEVELOPMENT AND DEMOCRACY.

-- CLOSURE OF CUBAN AIRSPACE --

Q: ARE REPORTS THAT THE CUBAN GOVERNMENT WILL CLOSE CUBAN

AIRSPACE TRUE?

A: THE GOC HAS INDICATED THROUGH DIPLOMATIC CHANNELS THAT IT IS CONSIDERING CLOSING THE GIRON CORRIDOR OF CUBAN AIRSPACE ON SEPTEMBER 2, THE DATE OF A PLANNED FLOTILLA ORGANIZED BY CUBAN EXILES.

THE GOC INDICATED IT MAY TAKE THIS MEASURE DUE TO CONCERN THAT AIRCRAFT ASSOCIATED WITH THE FLOTILLA MAY ATTEMPT TO ENTER CUBAN AIRSPACE WITHOUT PRIOR AUTHORIZATION, AS  
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PAGE 04 STATE 202060 242116Z  
OCCURRED DURING A PREVIOUS FLOTILLA ON JULY 13, 1995.

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2. L PRESS GUIDANCE OF AUGUST 24, 1995:  
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-- ARGENTINA: DENIAL OF EXTRADITION OF NAZI PRIEBKE --

Q: DOES THE U.S. HAVE ANY VIEWS ON THE RECENT DECISION BY AN ARGENTINE APPEALS COURT TO OVERTURN AN ORDER TO EXTRADITE ERICH PRIEBKE, A FORMER CAPTAIN IN THE NAZI SS ACCUSED OF COMMITTING WAR CRIMES IN ITALY?

A: WE ARE NOT YET FULLY INFORMED ON THE DETAILS OF THIS CASE. WE NOTE THAT THE ARGENTINE PROSECUTOR REPORTEDLY WILL APPEAL THE DECISION TO THE ARGENTINE SUPREME COURT. WE WILL BE FOLLOWING CLOSELY ANY FURTHER DEVELOPMENTS.

WITHOUT KNOWING OR COMMENTING ON THE DETAILS OF THIS CASE, I CAN ASSURE YOU THAT THE US BELIEVES PERPETRATORS OF WAR CRIMES SHOULD BE BROUGHT TO JUSTICE.

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PAGE 01 ROME 07912 01 OF 03 021537Z  
ACTION EUR-01

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ADS-00 M-00 NEA-01 NSAE-00 NSCE-00 OIC-02 OMB-01  
PA-00 PM-00 PRS-00 P-00 SCT-00 SP-00 SSO-00  
STR-00 TRSE-00 USIE-00 PMB-00 PRM-10 PRME-01 DRL-09  
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O 021537Z AUG 96  
FM AMEMBASSY ROME  
TO SECSTATE WASHDC IMMEDIATE 9825  
INFO AMEMBASSY LJUBLJANA  
AMCONSUL NAPLES  
AMEMBASSY BUENOS AIRES  
AMCONSUL MILAN  
AMEMBASSY TEL AVIV  
AMEMBASSY PARIS  
AMCONSUL JERUSALEM  
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AMEMBASSY LONDON  
AMCONSUL FLORENCE  
AMEMBASSY BONN

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DEPARTMENT FOR EUR/WE, PA, AND DRL

E.O. 12958: N/A  
TAGS: PGOV, PHUM, SOCI, GM, IT  
SUBJECT: ITALIAN PUBLIC AND GOI OUTRAGED BY  
COURT'S RELEASE OF WWII SS OFFICER

REVIEW AUTHORITY: Geoffrey Chapman, Senior  
Reviewer

1. SENSITIVE BUT UNCLASSIFIED.

SUMMARY

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2. (U) A ROME MILITARY TRIBUNAL FOUND FORMER SS CAPTAIN ERICH PRIEBKE GUILTY OF REPEATED MULTIPLE MURDER ("OMICIDIO PLURIMO CONTINUATO") IN CONNECTION WITH THE MARCH 1944 KILLING BY THE SS IN ROME OF 335 ITALIAN CITIZENS. HOWEVER, THE TRIBUNAL ORDERED HIS IMMEDIATE RELEASE, BECAUSE, DUE TO EXTENUATING CIRCUMSTANCES -- INCLUDING THAT HE HAD ACTED UNDER ORDERS -- THE STATUTE OF LIMITATIONS FOR THE CRIME HAD RUN OUT. THE REACTION. STATEMENTS BY POLITICAL LEADERS, INCLUDING PRESIDENT SCALFARO AND PRIME MINISTER PRODI, WERE UNANIMOUSLY AGAINST THE COURT'S SENTENCE. A FEW HOURS AFTER THE COURT'S RULING, JUSTICE MINISTER FLICK PLACED PRIEBKE UNDER "TEMPORARY DETENTION" IN A CIVILIAN JAIL, PENDING POSSIBLE EXTRADITION TO GERMANY ON CHARGES OF HOMICIDE. END SUMMARY.

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3. (U) THE ROME MILITARY TRIBUNAL RULED AUGUST 1 THAT FORMER SS CAPTAIN ERICH PRIEBKE (NOW 83) WAS GUILTY OF REPEATED MULTIPLE MURDER IN CONNECTION WITH THE MARCH 1944 KILLING IN ROME BY THE GERMAN SS OF 335 ITALIAN NATIONALS, OF WHICH 75 WERE JEWISH. THE 335 ITALIANS WERE ROUNDED UP AND KILLED IN A ROME QUARRY (KNOWN AS THE ARDEATINE CAVE) IN REPRISAL FOR THE BOMBING ATTACK BY ITALIAN LEFTIST PARTISANS IN ROME A FEW DAYS EARLIER, WHICH KILLED 33 SOLDIERS OF THE GERMAN ARMY. (THE 33 WERE ITALIAN NATIONALS FROM THE NORTHERN ITALIAN REGION OF ALTO ADIGE AND WERE ENROLLED IN THE GERMAN ARMY FOR NON-COMBAT DUTIES.) PRIEBKE HELPED ORGANIZE THE ROUND-UP OF THE ITALIANS AND SUPERVISED PART OF THE MASS KILLINGS. HE WAS ALSO PERSONALLY RESPONSIBLE FOR KILLING AT LEAST TWO OF THE ITALIANS.

4. (U) THE TRIBUNAL ALSO RULED THAT, DUE TO EXTENUATING CIRCUMSTANCES, PRIEBKE SHOULD BE IMMEDIATELY RELEASED. COURT PRESIDENT AGOSTINO QUISTELLI SAID THE DECISION WAS NOT UNANIMOUS.

ONE OF THE COURT'S THREE JUDGES REFUSED TO ACCEPT THE VERDICT. THE COURT CITED AS AGGRAVATING CIRCUMSTANCES IN THE CRIME: CRUELTY, PREMEDITATION; THE ILLEGITIMACY OF THE REPRISAL, BECAUSE IT DID NOT COMPLY WITH INTERNATIONAL CONVENTIONS; THE DISPROPORTION OF THE REPRISAL, BECAUSE TEN ITALIANS WERE KILLED FOR EACH GERMAN ARMY SOLDIER; AND THE FACT THAT THE REPRISAL WAS NOT PRECEDED BY A SEARCH FOR THE PERPETRATORS OF  
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THE PARTISAN ATTACK. THE COURT CITED AS EXTENUATING CIRCUMSTANCES: PRIEBKE'S AGE (83); THE FACT THAT HE DID NOT COMMIT ANY OTHER CRIME DURING THE 50 YEARS WHICH FOLLOWED THE REPRISAL; AND THE FACT THAT HE OBEYED ORDERS COMING FROM HIS SUPERIORS (I.E. SS GENERAL KAPPLER). THE COURT NOTED THAT, ALTHOUGH PRIEBKE COULD HAVE REFUSED TO OBEY, THE DECISION FOR THE REPRISAL WAS NOT HIS OWN. GIVEN THE EXTENUATING CIRCUMSTANCES, UNDER ITALIAN LAW, THE STATUTE OF LIMITATIONS FOR THE CRIME RAN OUT IN MARCH, 1974, THIRTY YEARS AFTER THE REPRISAL.

5. (U) THE COURT RULING, ANNOUNCED AT 6:30 P.M. AUGUST 1, SPARKED A HEATED REACTION (DEGENERATING INTO A BRAWL) AMONG THE PUBLIC, WHICH INCLUDED MEMBERS OF THE ITALIAN JEWISH COMMUNITY. THREE POLICEMEN REQUIRED MEDICAL ATTENTION FOR INJURIES AS A RESULT OF THE CONFLICT. THE PUBLIC PREVENTED THE JUDGES FROM LEAVING THE BUILDING, UNTIL JUSTICE MINISTER FLICK ARRIVED AT THE COURT HOUSE AT MIDNIGHT TO TRY TO DETERMINE WHAT COULD BE DONE. AT AN IMPROVISED PRESS CONFERENCE AT 2.00 A.M., FLICK ANNOUNCED THAT PRIEBKE WAS BEING

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O 021537Z AUG 96  
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AMEMBASSY BONN

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DEPARTMENT FOR EUR/WE, PA, AND DRL

E.O. 12958: N/A

TAGS: PGOV, PHUM, SOCI, GM, IT  
SUBJECT: ITALIAN PUBLIC AND GOI OUTRAGED BY  
COURT'S RELEASE OF WWII SS OFFICER

ARRESTED AGAIN AND WOULD BE BROUGHT TO A NON-MILITARY JAIL. FLICK SAID PRIEBKE'S NEW ARREST WAS "IN CONNECTION WITH A GERMAN EXTRADITION REQUEST AGAINST PRIEBKE ON CHARGES OF HOMICIDE AND BEING AN ACCESSORY TO THE CRIME." UNDER ITALIAN LAW, A PERSON MAY BE PLACED UNDER "TEMPORARY DETENTION" AT THE JUSTICE MINISTER'S REQUEST, BEFORE THE GOVERNMENT RECEIVES A REQUEST FOR EXTRADITION.

6. (U) POLITICAL AND PUBLIC MEDIA REACTIONS WERE UNANIMOUSLY AGAINST THE MILITARY COURT'S DECISION. PM PRODI AND DEPUTY PM VELTRONI WENT FOR AN IMPROMPTU PRAYER TO THE SCENE OF THE KILLINGS. THEY WERE ACCOMPANIED BY CHAMBER OF DEPUTIES PRESIDENT VIOLANTE, DEMOCRATIC PARTY OF THE LEFT (PDS) LEADER D'ALEMA, PRESIDENT OF THE ITALIAN JEWISH COMMUNITY TULLIA ZEVI, AND SEVERAL OTHER PARLIAMENTARIANS AND MEMBERS OF THE JEWISH COMMUNITY. IN SIGN OF SORROW, ROME MAYOR RUTELLI ORDERED THAT ALL THE LIGHTS ILLUMINATING ROME'S MONUMENTS BE SHUT OFF. ALL THE SENATORS AND MEMBERS OF THE CHAMBER OF DEPUTIES, WHO WERE  
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HOLDING A FLOOR SESSION WHEN THE VERDICT WAS ANNOUNCED, OBSERVED A MINUTE OF SILENCE IN REMEMBRANCE OF THE 335 VICTIMS.

7. (U) PRESIDENT SCALFARO SAID HE RECOGNIZED "THE INDEPENDENCE AND THE AUTONOMY OF THE JUDICIARY," BUT "BOWED WITH ENORMOUS FEELING AND SOLIDARITY TO THIS UNENDING SUFFERING (FROM) CRIMES AGAINST HUMANITY." PRODI SAID THE GOVERNMENT RESPECTED THE MILITARY COURT'S DECISION, BUT "UNDERLINED HIS EXTREME BITTERNESS BECAUSE OF THE GRIEF...THE TRIAL AND THE SENTENCE HAVE EVOKED. THE GOVERNMENT THEREFORE BOWS BEFORE THE VICTIMS OF THOSE TERRIBLE CRIMES AND EXPRESSES TO THE RELATIVES OF THE VICTIMS, TO THE JEWISH COMMUNITIES AND TO ALL ITALIANS ITS DEEP FEELINGS AND SOLIDARITY."

8. (U) REACTIONS ACROSS THE POLITICAL SPECTRUM



WERE UNANIMOUS. PDS LEADER D'ALEMA DENOUNCED THE "SHAME" AND EMBARRASSMENT" THE COURT'S DECISION CAUSED ITALY. D'ALEMA SAID THE PDS WOULD "FIGHT TO SEE JUSTICE DONE" AND WILL WORK TO HAVE THE GOVERNMENT "RECTIFY TODAY'S MISTAKE." FORZA ITALIA (FI) LEADER BERLUSCONI SAID HE AND FI "SHARED THE INDIGNATION AND GRIEF OF THE JEWISH COMMUNITY AND THE RELATIVES OF THE ARDEATINE QUARRY VICTIMS." NATIONAL ALLIANCE (AN) LEADER FINI SAID THE COURT'S RULING WAS "ORALLY UNJUST AND OFFENDED THE CIVIL CONSCIENCE OF ALL ITALIANS." HE EXPRESSED SOLIDARITY WITH THE

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RELATIVES OF THE VICTIMS AND THE JEWISH COMMUNITY, STATING THAT HE AND AN "NDERSTOOD THEIR INDIGNATION AND GRIEF."

9. (U) JUSTICE UNDER SECRETARY SENATOR AYALA SAID THE COURT'S "DISCONCERTING" SENTENCE "EMBARRASSED ITALY BEFORE THE REST OF THE WORLD." HE CALLED FOR THE ELIMINATION OF MILITARY TRIBUNALS. TULLIA ZEVI, PRESIDENT OF THE ITALIAN JEWISH COMMUNITY, SAID THE COURT'S DECISION "SHOWED THAT MILITARY TRIBUNALS DO NOT HAVE THE HISTORIC, POLITICAL AND HUMAN PREPARATION NECESSARY TO EXAMINE AN EVENT OF SUCH HISTORICAL IMPORTANCE.... WE LOST A MAJOR OCCASION, PERHAPS THE LAST OCCASION, TO EXPRESS AN UNEQUIVOCAL AND DEFINITIVE CONDEMNATION OF A PERVERSE REGIME."

COMMENT

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10. (SBU) THIS IS THE FIRST CASE OF WHICH WE ARE AWARE IN WHICH A COURT ACCEPTED THE ARGUMENT OF A NAZI OFFICIAL WHO KILLED JEWS AND/OR OTHER INNOCENTS DURING WWII THAT HE HAD ONLY BEEN FOLLOWING ORDERS. WE BELIEVE THAT THE FACT THAT

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O 021537Z AUG 96  
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TO SECSTATE WASHDC IMMEDIATE 9827  
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AMCONSUL NAPLES  
AMEMBASSY BUENOS AIRES  
AMCONSUL MILAN  
AMEMBASSY TEL AVIV  
AMEMBASSY PARIS  
AMCONSUL JERUSALEM  
AMEMBASSY BERN  
AMEMBASSY MADRID  
AMEMBASSY LONDON  
AMCONSUL FLORENCE  
AMEMBASSY BONN

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DEPARTMENT FOR EUR/WE, PA, AND DRL

E.O. 12958: N/A

TAGS: PGOV, PHUM, SOCI, GM, IT

SUBJECT: ITALIAN PUBLIC AND GOI OUTRAGED BY  
COURT'S RELEASE OF WWII SS OFFICER

PRIEBKE WAS TRIED IN A MILITARY COURT WAS  
DECISIVE IN THIS RESPECT. SUCH A COURT ACCORDED  
GREATER IMPORTANCE TO FOLLOWING MILITARY ORDERS  
THAN A CIVILIAN COURT MIGHT HAVE. THE  
PROSECUTION NEVER TRIED TO CONTEST EITHER THE  
VENUE OR THE ORDERS ARGUMENT, EFFECTIVELY OPENING  
THE DOOR TO THE COURT'S DECISION, WHICH WAS IN  
FULL ACCORDANCE WITH ITALIAN LAW.

11. (SBU) NOTWITHSTANDING THE GOVERNMENT'S  
QUICK ACTION IN ORDERING THE ARREST OF PRIEBKE  
AND THE PUBLIC OUTRAGE EXPRESSED ACROSS THE  
ENTIRE POLITICAL SPECTRUM AT THE DECISION, THE  
MILITARY COURT'S DECISION WILL NO DOUBT CAST A  
SHADOW OVER THE RELATIVELY BENIGN ITALIAN RECORD  
REGARDING TREATMENT OF JEWISH ITALIANS DURING THE  
WAR. WE WOULD RECALL, IT WAS ONLY AFTER ITALY'S  
CAPITULATION IN SEPTEMBER 1943 AND MUSSOLINI'S  
FALL FROM POWER, THAT JEWS IN AREAS UNDER NAZI  
GERMAN CONTROL WERE DEPORTED AND KILLED. THE  
MILITARY COURT'S DECISION SHOULD NOT OBSCURE THE  
FACT THAT NUMEROUS ITALIANS UNDERTOOK GREAT RISKS  
DURING WWII TO PROTECT MEMBERS OF ITALY'S JEWISH  
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PAGE 03 ROME 07912 03 OF 03 021537Z  
COMMUNITY.

12. (SBU) ALTHOUGH PRIEBKE HAS AN AMERICAN SON  
AND HE WAS IN ACT "DISCOVERED" BY AMERICAN  
JOURNALISTS, THERE IS NO DIRECT AMERICAN  
CONNECTION. END COMMENT.

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PAGE 01 ROME 10247 161538Z  
ACTION EUR-01

INFO LOG-00 INLB-01 AID-00 AMAD-01 ARA-01 CIAE-00 SMEC-00  
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UTED-00 HHS-01 H-01 SSA-01 TEDE-00 INR-00 IO-00  
L-01 ADS-00 M-00 NEA-01 NSAE-00 NSCE-00 OIC-02  
OMB-01 PA-00 PM-00 PRS-00 P-00 CIO-00 SCT-00  
SP-00 STR-00 TRSE-00 USIE-00 PMB-00 PRM-10 PRME-01  
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P 161535Z OCT 96  
FM AMEMBASSY ROME  
TO SECSTATE WASHDC PRIORITY 1632  
INFO AMEMBASSY BONN  
AMEMBASSY TEL AVIV  
AMEMBASSY MADRID  
AMEMBASSY LONDON  
AMEMBASSY LJUBLJANA  
AMEMBASSY BERN  
AMCONSUL MILAN  
AMEMBASSY BUENOS AIRES  
AMCONSUL NAPLES  
AMCONSUL FLORENCE  
AMEMBASSY PARIS  
AMCONSUL JERUSALEM

UNCLAS ROME 010247

DEPARTMENT FOR EUR/WE, PA, AND DRL  
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PAGE 02 ROME 10247 161538Z

E.O. 12958: N/A  
TAGS: PGOV, PHUM, SOCI, GM, IT  
SUBJECT: ITALIAN SUPREME COURT ANNULS MILITARY  
TRIBUNAL RULING ON ERICH PRIEBKE

REF: ROME 7912

REVIEW AUTHORITY: Geoffrey Chapman, Senior  
Reviewer

SUMMARY

1. THE ITALIAN SUPREME COURT OF CASSATION OCTOBER 15 ANNULLED THE AUGUST 1 RULING BY THE ROME MILITARY TRIBUNAL ON FORMER SS CAPTAIN ERICH PRIEBKE. THE COURT RULED THAT MILITARY TRIAL JUDGE QUISTELLI SHOULD HAVE RECUSED HIMSELF FOR 'PRE-JUDGING' THE PRIEBKE CASE. THE COURT WAS REFERRING TO STATEMENTS QUISTELLI MADE IN EARLY 1995, WHILE PRIEBKE WAS STILL IN ARGENTINA, BEFORE THE TRIAL STARTED. THE MILITARY COURT OF APPEALS HAD TWICE REJECTED THE APPEALS AGAINST QUISTELLI. PRIEBKE WILL HAVE TO BE RE-TRIED BY THE MILITARY TRIBUNAL, ALBEIT BY A DIFFERENT JUDGE. PRIEBKE REMAINS IN JAIL, AND HIS NEW TRIAL MAY BE DELAYED UNTIL JANUARY. JUDGE QUISTELLI SAID THE SUPREME COURT'S DECISION CREATED A 'DANGEROUS PRECEDENT.' END SUMMARY.

2. THE ITALIAN SUPREME COURT OF CASSATION OCTOBER 15 ANNULLED THE AUGUST 1 ROME MILITARY TRIBUNAL RULING ON FORMER SS CAPTAIN ERICH

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PAGE 03 ROME 10247 161538Z  
PRIEBKE (REFTEL). THE MILITARY TRIBUNAL FOUND PRIEBKE GUILTY OF REPEATED MULTIPLE MURDERS IN CONNECTION WITH THE MARCH 1944 KILLING OF 335 ITALIAN CITIZENS, BUT ORDERED HIS IMMEDIATE RELEASE BECAUSE, DUE TO EXTENUATING CIRCUMSTANCES -- INCLUDING THAT HE HAD ACTED UNDER ORDERS -- THE STATUTE OF LIMITATIONS FOR THE CRIME HAD RUN OUT.

3. THE SUPREME COURT'S DECISION FOLLOWED APPEALS BY PRIEBKE'S MILITARY PROSECUTOR, THE CIVIL PARTY AT THE TRIAL REPRESENTING THE RELATIVES OF THE VICTIMS, AND THE MILITARY APPEALS COURT GENERAL PROSECUTOR CHALLENGING THE IMPARTIALITY OF JUDGE QUISTELLI, BECAUSE, IN A PRIVATE CONVERSATION IN EARLY 1995, HE HAD 'PRE-JUDGED' PRIEBKE BY EXPRESSING HIS VIEWS ABOUT HIM. AT THAT TIME, PRIEBKE WAS STILL IN ARGENTINA. THE MILITARY COURT OF APPEALS HAD TWICE REJECTED THIS ARGUMENT. AS A RESULT OF THE SUPREME COURT'S DECISION, A NEW TRIAL, WITH NEW MILITARY TRIBUNAL JUDGES, WILL BE HELD. REPORTEDLY, THE JUDICIAL

PROCEDURES TO IMPLEMENT THE SUPREME COURT'S RULING WILL BE LENGTHY AND THE NEW TRIAL IS UNLIKELY TO BEGIN BEFORE JANUARY 1997.

4. DESPITE THE MILITARY TRIBUNAL'S AUGUST 1 RULING ORDERING HIS RELEASE, PRIEBKE REMAINED IN PRISON. AFTER THE TRIAL, JUSTICE MINISTER FLICK PLACED PRIEBKE UNDER 'TEMPORARY DETENTION' IN A CIVILIAN JAIL, PENDING RESOLUTION OF AN  
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PAGE 04 ROME 10247 161538Z  
EXTRADITION REQUEST BY THE GERMAN GOVERNMENT. PRIEBKE IS NOW EXPECTED TO BE RETURNED TO A MILITARY JAIL. REPORTEDLY, THE MILITARY COURT WILL ISSUE A NEW ARREST WARRANT AGAINST PRIEBKE, WHICH WILL ANNUL GERMANY'S EXTRADITION REQUEST.

5. IN STATEMENTS TO THE PRESS, JUDGE QUISTELLI SAID THE SUPREME COURT'S DECISION CREATED 'A DANGEROUS PRECEDENT.' HE SAID HE HAD BEEN ASKED TO RECUSE HIMSELF FOR HAVING EXPRESSED 'FREE OPINIONS TO A FRIEND' IN PRIVATE, LONG BEFORE THE TRIAL STARTED AND BEFORE HE WAS APPOINTED AS A JUDGE TO THE TRIAL. THE OPINIONS HE HAD EXPRESSED WERE BASED ON WHAT HE HAD READ IN THE PRESS, HE SAID. QUISTELLI ALSO NOTED THAT THE SUPREME COURT SHOULD NOT HAVE ACCEPTED THE APPEALS AGAINST HIM BECAUSE THEY WERE NOT FILED TIMELY.

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PAGE 01 ROME 06725 291552Z  
ACTION EUR-01

INFO LOG-00 ACDA-08 ACDE-00 INLB-01 AID-00 AMAD-01 ARA-01  
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R 291515Z JUL 97  
FM AMEMBASSY ROME  
TO SECSTATE WASHDC 0069  
INFO AMEMBASSY BUENOS AIRES  
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AMEMBASSY LONDON  
AMEMBASSY PARIS  
AMEMBASSY MADRID  
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PAGE 02 ROME 06725 291552Z  
DEPARTMENT FOR EUR/WE, PA, AND DRL

E.O. 12958: N/A  
TAGS: PGOV, PHUM, SOCI, GM, IT  
SUBJECT: GERMAN WAR CRIMINALS FOUND GUILTY BY  
ITALIAN COURT

REVIEW AUTHORITY: Geoffrey Chapman, Senior  
Reviewer

REF: (A) 96 ROME 7912, (B) 96 ROME 10247

1. ON JULY 22, A ROME MILITARY COURT SENTENCED FORMER SS CAPTAIN ERICH PRIEBKE (NOW 84) TO A PRISON TERM OF FIFTEEN YEARS. THE COURT FOUND PRIEBKE GUILTY OF "REPEATED MULTIPLE MURDER" ("OMICIDIO PLURIMO CONTINUATO") -- WITH THE AGGRAVATING CIRCUMSTANCE OF CRUELTY -- FOR THE MARCH 1944 KILLING BY THE SS IN ROME OF 335 ITALIAN CITIZENS, OF WHICH 75 WERE JEWISH. (THE 335 ITALIANS WERE ROUNDED UP AND KILLED IN A ROME QUARRY IN REPRISAL FOR A BOMBING BY ITALIAN LEFTIST PARTISANS IN ROME, WHICH KILLED 33 ITALIAN NATIONALS ENROLLED IN THE GERMAN ARMY FOR NON-COMBAT DUTIES.) THE COURT ALSO RULED THAT, DUE TO EXTENUATING CIRCUMSTANCES (INCLUDING THAT HE HAD ACTED UNDER ORDERS), PRIEBKE BE GIVEN A "DISCOUNT" OF TEN YEARS (FROM THE TOTAL OF FIFTEEN), AND THAT HE PAY ALL COURT COSTS. IN THE SAME TRIAL, THE COURT SENTENCED FORMER SS MAJOR KARL HASS (NOW 85) TO A PRISON TERM OF TEN YEARS FOR THE SAME CRIME, RECOGNIZING HIS MARGINAL ROLE IN THE MASS REPRISAL. THE COURT RECOGNIZED IN HASS' CASE THE SAME EXTENUATING

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CIRCUMSTANCES AS IN PRIEBKE'S, ORDERING HASS' IMMEDIATE RELEASE. (HASS WAS A LONG-TIME RESIDENT OF ITALY UNDER HIS REAL NAME. HE TESTIFIED IN THE PRIEBKE CASE AND WAS ARRESTED IN AUGUST 1996 IN ROME, BECAUSE HIS STATEMENTS SHOWED HIS INVOLVEMENT IN THE KILLING OF THE 335 ITALIANS.)

2. PRIEBKE -- WHO IS CURRENTLY UNDER HOUSE ARREST -- WAS ARRESTED IN MAY 1994 IN ARGENTINA, AND EXTRADITED TO ITALY IN NOVEMBER 1995. HIS ATTORNEY, CARLO TAORMINA, TOLD THE PRESS THAT PRIEBKE MAY BE RELEASED AS EARLY AS JANUARY 1998, BECAUSE HE HAS ALREADY SERVED THREE YEARS IN JAIL AND MAY BE GIVEN ADDITIONAL TIME OFF FOR GOOD CONDUCT. ACCORDING TO THE PRESS, TAORMINA ALSO SAID THAT PRIEBKE WOULD DECLINE TO APPEAL THE COURT'S DECISION, IN ORDER TO AVOID EXTRADITION TO GERMANY (AN EXTRADITION REQUEST IS PENDING).

3. THE JULY 22 RULING CREATED SOME DISCONTENT AMONG THE RELATIVES OF THE VICTIMS AND IN THE

ITALIAN JEWISH COMMUNITY, SOME OF WHOM WOULD HAVE PREFERRED A LIFE SENTENCE AGAINST PRIEBKE. PRIEBKE'S PROSECUTOR, ANTONINO INTELISANO, AND TULLIA ZEVI, LEADER OF THE ITALIAN JEWISH COMMUNITY, NOTED, HOWEVER, THAT THE RULING WAS "REVOLUTIONARY," BECAUSE IT CONFIRMED THAT THERE IS NO STATUTE OF LIMITATIONS FOR WAR CRIMES AND CRIMES AGAINST HUMANITY. THERE WERE NO SIGNIFICANT REACTIONS FROM POLITICAL LEADERS.

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4. NOTE: THIS IS PRIEBKE'S THIRD (AND HASS' SECOND) TRIAL BY ITALIAN MILITARY COURTS. BOTH HAD BEEN TRIED AND ACQUITTED IN 1948, DURING JUDICIAL PROCEEDINGS AGAINST GESTAPO ROME CHIEF, COLONEL HERBERT KAPPLER. IN AUGUST 1996, ANOTHER ROME MILITARY COURT FOUND PRIEBKE GUILTY OF REPEATED MULTIPLE MURDER, BUT ORDERED HIS IMMEDIATE RELEASE, BECAUSE THE STATUTE OF LIMITATIONS HAD RUN OUT. THAT SENTENCE SPARKED PROTESTS AMONG ITALIAN LEADERS -- INCLUDING THE PRESIDENT AND PM -- AND THE RELATIVES OF THE VICTIMS. AS A RESULT, THE JUSTICE MINISTER IMMEDIATELY PLACED PRIEBKE UNDER "TEMPORARY DETENTION" (FORMALLY PENDING POSSIBLE EXTRADITION TO GERMANY, REFTEL A). IN OCTOBER 1996, THE SUPREME COURT OF APPEALS ("CASSAZIONE") ORDERED A RE-TRIAL (FORMALLY BECAUSE THE TRIAL'S JUDGE, AGOSTINO QUISTELLI, SHOULD HAVE RECUSED HIMSELF FOR "PRE-JUDGING" THE PRIEBKE CASE BEFORE THE TRIAL STARTED, REFTEL B).

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PAGE 01 STATE 012537 222212Z  
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OPIC-01 PA-00 PM-00 PRS-00 P-00 CIO-00 SP-00  
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SOURCE: KODAKC.220152

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APPROVED BY: ARA:PFROMERO

ARA/BSC:DFROGUS EUR/WE:CPIERANGELO EUR/AGS:SRUEDY

L/LEI:PDIROSA EUR/NAR:DNEHER DOJ/OSI:EMROSENBAUM

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INFO AMEMBASSY ROME

AMEMBASSY BONN

C O N F I D E N T I A L STATE 012537

ROME ALSO FOR VATICAN

E.O. 12958: DECL: 01/21/2008

TAGS: PHUM, KJUS, PREL, KNAR, AR, IT, GE

SUBJECT: NAZI WAR CRIMINAL ERICH PRIEBKE

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 012537 222212Z

REF: 97 BUENOS AIRES 9180

1. (U) CLASSIFIED BY ARA PDAS PETER F. ROMERO. REASON:  
E.O. 12598 1.5(D)

REVIEW AUTHORITY: Geoffrey Chapman, Senior  
Reviewer

2. (C) REFTTEL REPORTS THAT ON DECEMBER 18 ARGENTINE FOREIGN MINISTER DI TELLA TOLD CHARGE THAT THE VATICAN IS ASKING THE GOA TO "REACCEPT" ERICH PRIEBKE, A WAR CRIMINAL PREVIOUSLY EXTRADITED TO ITALY, AND ASKED FOR USG VIEWS ON THE MATTER. WHILE WE ARE UNAWARE OF ANY VATICAN REPRESENTATIONS ON PRIEBKE'S BEHALF, USG VIEWS FOLLOW.

3. (C) BACKGROUND: PRIEBKE, A WARTIME MEMBER OF THE NAZI SS SECURITY SERVICE (SD), WAS EXTRADITED FROM ARGENTINA TO ITALY IN 1995 TO STAND TRIAL FOR PARTICIPATING IN THE 1944 MASSACRE OF 335 CIVILIANS WHO WERE SHOT IN THE ARDEATINE CAVES NEAR ROME, AS A REPRISAL FOR THE KILLING OF 33 GERMAN SOLDIERS BY ITALIAN PARTISANS. HE WAS RELEASED BY A MILITARY TRIBUNAL, BUT WAS LATER RETRIED BY A CIVILIAN COURT WHICH FOUND HIM GUILTY. HE HAS NOT BEEN SENTENCED

YET. PRIEBKE IS A GERMAN CITIZEN. BECAUSE OF HIS ADVANCED AGE IT IS POSSIBLE THAT HIS SENTENCE MAY BE RELATIVELY LIGHT AND HE MAY INDEED SEEK TO RETURN TO ARGENTINA AT SOME TIME.

4. (C) EMBASSY MAY ADVISE DI TELLA OF USG VIEWS AS FOLLOWS:

-- PRIEBKE WAS FOUND GUILTY BY AN ITALIAN COURT LAST YEAR  
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OF PARTICIPATING IN THE MURDER OF 335 CIVILIAN MEN AND BOYS, INCLUDING ABOUT 77 JEWS, ON MARCH 24, 1944. HE HAS NOT YET BEEN SENTENCED.

IN THE COURSE OF THE TRIAL, HE DID NOT DENY HIS PARTICIPATION IN THIS ATROCITY.

-- UNDER OUR LAW, PRIEBKE WOULD NOT BE ABLE TO ENTER THE U.S. IN 1980, EVIDENCE THAT PRIEBKE HAD SERVED AS AN OFFICER IN THE SS LED THE U.S. STATE DEPARTMENT TO PLACE HIM IN ITS AUTOMATED VISA LOOKOUT SYSTEM AS AN INDIVIDUAL SUSPECTED OF PARTICIPATING IN NAZI CRIMES OF PERSECUTION. IN 1994, BASED ON PRIEBKE'S PUBLIC ADMISSIONS THAT HE PARTICIPATED IN THE ARDEATINE CAVES MASSACRE, THE U.S. JUSTICE DEPARTMENT CLASSIFIED PRIEBKE AS CLEARLY INADMISSABLE TO THE UNITED STATES UNDER THE HOLTZMAN AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT (SECTION 212(A) (3) (E) (I) OF THE ACT AS AMENDED, 8 U.S.C. SECTION 1182(A) (3) (E) (I) WHICH PROHIBITS THE ENTRY INTO THE UNITED STATES OF ANYONE WHO PARTICIPATED IN NAZI-SPONSORED ACTS OF PERSECUTION BASED ON RACE, RELIGION, NATIONAL ORIGIN, OR

POLITICAL BELIEF.

-- THE FINAL ACT OF THE INTER-AMERICAN CONFERENCE OF WAR AND PEACE, APPROVED AT THE PLENARY SESSION OF MARCH 6, 1945, IN MEXICO CITY, TAKING NOTE OF "HEINOUS CRIMES" COMMITTED BY THE AXIS POWERS, "RECOMMEND(S) THAT THE GOVERNMENTS OF THE AMERICAN REPUBLICS DO NOT GIVE REFUGE TO INDIVIDUALS GUILTY OF, RESPONSIBLE FOR, OR ACCOMPLICES IN THE COMMISSION OF SUCH CRIMES." PRIEBKE HAS BEEN PROVEN GUILTY OF SUCH CRIMES.

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-- HE MAY ALSO BE A "LEADER" WITHIN THE TERMS OF RESOLUTION XXVI OF THE INTER-AMERICAN EMERGENCY ADVISORY COMMITTEE FOR POLITICAL DEFENSE (MONTEVIDEO, 1946) REQUIRING THE UNITED STATES AND OTHER SIGNATORY NATIONS TO "EXPULSION FROM THIS HEMISPHERE" PERSONS WHO "HAVE PARTICIPATED AS LEADERS IN THE TRAINING, ORGANIZATION, ADMINISTRATION, DIRECTION OR OPERATION OF: (1) THE NAZI PARTY OR ANY OF

ITS SUBSIDIARIES OR OF ANY MILITANT... GROUP DEDICATED TO SERVING THE INTERESTS OF THE AXIS OR OF ANY OF ITS ALLIES OR SATELLITES.

-- READMITTING PRIEBKE WOULD CERTAINLY RESULT IN SHARP CRITICISM OF ARGENTINA AND OPEN ARGENTINA TO CHARGES THAT IT IS A WILLING HAVEN FOR NAZI WAR CRIMINALS.

-- ADDITIONALLY, IT WOULD UNDERMINE ARGENTINA'S 5 IMPORTANT RECENT EFFORTS TO COME TO TERMS WITH ITS PAST INVOLVEMENT WITH NAZI GERMANY, SUCH AS THE NAMING OF A PRESTIGIOUS PANEL TO INVESTIGATE THE HOLOCAUST ASSETS QUESTION.

-- THUS WE WOULD URGE YOU TO NOT TO READMIT HIM IF AT ALL POSSIBLE, SHOULD HE SO REQUEST.  
ALBRIGHT

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PAGE 01 STATE 213138 081433Z  
ORIGIN INR-00

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TEDE-00 IO-02 JUSE-00 L-01 ADS-00 M-00 OIC-02  
OIG-04 OMB-01 PA-01 PM-00 PRS-01 P-01 SP-00  
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C O N F I D E N T I A L STATE 213138

USEUCOM FOR J-2 (BGEN HAYDEN), USIA FOR RES (PINCUS),

E.O. 12356: DECL: OADR  
TAGS: PINR,PGOV, PREL  
SUBJECT: INR ANALYSIS: EUROPE DEALING WITH NAZISM

USIA FOR MCINTOSH, R/RUC/NSC FOR VERSCHBOW,BEERS,  
FRIED, ALSO FOR OVP (FUERTH) AND FOR PFIAB, CIA FOR  
CONFIDENTIAL

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PAGE 02 STATE 213138 081433Z  
DI/EURA, DO/EUR (WILEY), NIC (COOPER), ISC,  
DDI, ADDI, CRES, DIA FOR DIO KNOPP, DSP-2D, VP-D, DB,  
DE, J2I-2, NSA FOR SINLO/EUR COONEY, A-04, A132, FBIS  
FOR EO/WEB, SECDEF FOR OUSD/P/SEE, OADSD/RUE,  
OADUSD-SEE, SAF/IA, LAX, LAPS, JCS FOR J-5-OSD/ISA/GEORGE

1. CONFIDENTIAL - ENTIRE TEXT. OADR--BASED ON

REVIEW AUTHORITY: Geoffrey Chapman, Senior  
Reviewer

COMMENTARY ON AND EVALUATION OF FOREIGN GOVERNMENTS AND LEADERS.

2. THE ATTACHED INR ANALYSIS, PRODUCED ON 09/04/95 15 FORWARDED FOR YOUR INFORMATION, UAMARY. THIS SUMMER HAS SEEN MAJOR DEVELOPMENTS IN GERMAN, FRENCH, AND ITALIAN EFFORTS TO COMBAT ANTI-SEMITISM AND DEAL WITH THE NAZI PAST.



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GERMANY ON THE OFFENSIVE

3. GERMAN AUTHORITIES HAVE GONE TO GREAT PAINS TO ERASE THE BLOT CAUSED BY NEO-NAZI, SKINHEAD RIOTS IN ROSTOCK SEVERAL YEARS AGO AND BY CONTINUING ATTACKS ON FOREIGNERS AND JEWISH CEMETERIES. LAST WEEK, AFTER YEARS OF EFFORTS TO BRING AN AMERICAN NEO-NAZI PROPAGANDIST TO JUSTICE, GERMANY WON A DANISH SUPREME COURT DECISION UPHOLDING HIS EXTRADITION TO FACE VARIOUS NAZI-RELATED CHARGES. THE DANES ON SEPTEMBER 1 REJECTED THE AMERICAN'S LAST-DITCH EFFORT TO CLAIM ASYLUM IN DENMARK AND TRANSFERRED HIM TO  
CONFIDENTIAL

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PAGE 03 STATE 213138 081433Z  
GERMAN CUSTODY ON SEPTEMBER 6.

4. A GERMAN COURT HAS SENTENCED A 29-YEAR-OLD GERMAN TO THREE YEARS' CONFINEMENT FOR DENYING THE OCCURRENCE OF THE HOLOCAUST, ONE OF MANY NAZI-RELATED CRIMES SPECIFICALLY PROSCRIBED BY GERMAN LAW. THE SENTENCE WAS HANDED DOWN AMID CONTINUING CONTROVERSY OVER THE APPROPRIATENESS OF VARIOUS HOLOCAUST MEMORIALS PLANNED FOR BERLIN AND ELSEWHERE.

SEEKING PRIEBKE

5. BOTH ITALY AND NOW GERMANY HAVE REQUESTED ARGENTINE EXTRADITION OF 81-YEAR-OLD, FORMER SS-CAPTAIN ERICH PRIEBKE TO FACE CHARGES FOR ATROCITIES COMMITTED DURING WORLD WAR II NEAR ROME. LAST WEEK AN ARGENTINE APPEALS COURT DENIED THE ITALIAN PETITION, CITING A 15-YEAR STATUTE OF LIMITATIONS FOR HOMICIDE AND REJECTING A WAR CRIMES READING BASED ON THE LACK OF ITS INCLUSION IN THE BILATERAL EXTRADITION TREATY. AFTER IMMEDIATE PROTESTS FROM EUROPE AND WITHIN ARGENTINA, GERMANY ACTIVATED ITS OWN EXTRADITION REQUEST, MAKING POSSIBLE PRIEBKE'S

REARREST PENDING ITALY'S APPEAL TO THE HIGHEST ARGENTINE COURT.

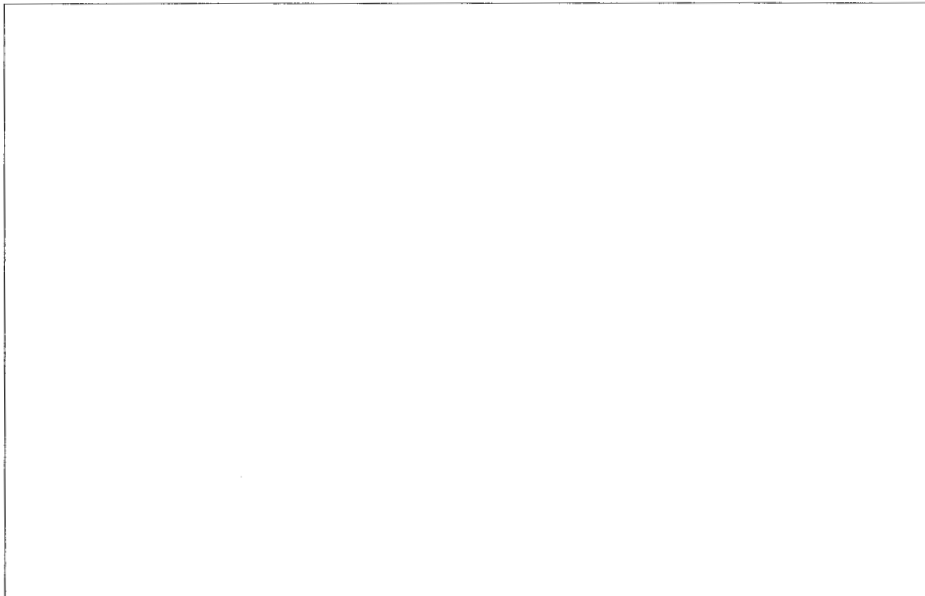
CONTRITE CHIRAC

6. WITHIN TWO MONTHS OF BECOMING FRANCE'S PRESIDENT, JACQUES CHIRAC IN JULY PUBLICLY ACKNOWLEDGED - THE FIRST TIME BY A FRENCH LEADER AT HIS LEVEL - FRENCH COLLABORATION WITH, AND COMPLICITY IN THE CRIMINAL ACTS  
CONFIDENTIAL

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PAGE 04 STATE 213138 081433Z  
OF, THE NAZIS DURING THE OCCUPATION, ADDING HIS APOLOGY FOR THOSE ACTS. REACTION IN FRANCE WAS BROADLY POSITIVE, PERHAPS OPENING POSSIBILITIES FOR EVENTUAL WIDENING OF PUBLIC DEBATE AND OPEN ARCHIVAL RESEARCH.

AND, IN THE EAST?



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