

SECRET RYBAT

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TO: Chief, SB
FROM: COS, Belgrade *Y*
SUBJECT: **DMLET**
Consular Action in the Destan **HERISHA** Case
REFERENCE: DIR-43015, 13 ¹⁴October 1967, and previous

Forwarded for Headquarters records is a memorandum dated October 13, 1967, prepared by the head of the Consular Section in the Embassy summarizing action taken by the Embassy in the Destan **HERISHA** case.

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SOURCE METHOD EXEMPTION 3B2B
NAZI WAR CRIMES DISCLOSURE ACT
DATE 2008

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26 October 1967

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UNITED STATES GOVERNMENT

Memorandum

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TO : The Deputy Chief of Mission

DATE: October 13, 1967

FROM : Chief, Consular Section

SUBJECT: Attached memo

The attached memo gives a detailed resume of oral contacts in the Barisha case. We have, also, for the record:

- a. sent 6 cables to the Department;
- b. sent 2 cables locally and several letters;
- c. made five calls in person at the Foreign Office and delivered two notes;
- d. made at least 30 long distance calls;
- e. personally contacted Barisha 3 times; and
- f. committed more than 130 man hours of officer time.

I invite your attention particularly to Item 33 of the attached since it represents fresh information.

Attachment:

Memo on chronology of Barisha case

COM: KWrondenSteinh:ncs 10/13/67

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Memorandum

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DATE: October 12, 1967

TO: The Deputy Chief of Mission

FROM: Chief, Consular Section

SUBJECT: Chronology of Berisha case with summary reports of significant oral contacts

1. August 29, 1967: learned that Berisha had been imprisoned for failure to register. Source relative who said charge was false.
2. August 29, 1967: Oral inquiry to Kelic, American Desk, Consular Section, Foreign Office. (Kelic new man on this job.)
3. August 30, 1967: Second oral inquiry to Kelic. Gave him confirming data that Berisha U. S. citizen (registration card had not been immediately located previous day). Also stressed that Berisha tourist--entered Yugoslavia August 15, 1967. Kelic's response very bureaucratic, stating he could only address written inquiry to the Federal Interior Ministry.
4. August 31, 1967: Contacted lawyer, Radun Bobovic, in Prizren, asked him to seek out Berisha and find out status and perhaps acquire a client. Bobovic agreed. Thereupon sent cable to Bobovic (he has no phone) that we would place call for him at certain time next day and that he should inform us if consular presence Prizren useful.
5. August 31, 1967: Because of lack of response Foreign Ministry to informal questions, presented first note in person to Kelic who at last agreed to use a telephone (see attached).
6. September 1, 1967: Dube-von den Steinen called American Desk: Radulovic and presented copy of same note since as yet no response received from Kelic. Call designed to give weight to our concern and also to overcome possibility that we were being stymied by a personal factor (Kelic).
7. September 1, 1967: Spoke to Kelic about consular access. He said he was trying to find out.
8. September 1, 1967: Spoke to Bobovic who thought consular presence not useful. Berisha had engaged him and he was preparing appeal. Berisha had apparently not registered but had good explanation.
9. September 1, 1967: Kelic called late afternoon saying that Berisha had willfully refused to register.
10. September 2 (Saturday), 1967: Radulovic called Dube with some information. Called Kelic, discussed question access and also possibility talking to Berisha on phone--in view distance Prizren and imminent field trip (von den Steinen) which made a possible round trip to Prizren very tight.

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11. September 4 (Labor Day), 1967: In office all day with Matić (back from vacation) conferring with Kelić, Tucakovich (head of UDBA in Prizren) and lawyer, Bobović. Decided not to visit prior completion appeal proceeding. (Telephone connections Prizren terrible.) Got agreement for telephone conversation with Berisha.

12. September 4, 1967: Spoke with Berisha by telephone. He said he was in good health and had no particular requests.

13. September 5, 1967: Cabled Bobović that he should notify me at Skopje September 6 (evening) if consular visit September 7 Prizren desirable--in event appeal unsuccessful.

14. September 7, 1967: Bobović informed Matić appeal rejected. Learned that evening in Ohrid--distance made visit prior weekend impossible.

15. September 13, 1967: In Prizren, I visited Berisha who looked well. Based on official's guarantee that he would be released on September 17 at 1400--formulated plan for his travel to U. S. I also made strong plea in lengthy discussions with UDBA chief, prison administrator, and magistrate Judge that Berisha be released early to enable catching charter flight. Officials all sympathetic but stated they had no authority. Magistrate Judge suggested drive to see Appeal Judge in Pristina which would have meant day lost on my itinerary. Judge emphasized that he had a direct line to Pristina over which the Appeal Judge could notify him to release Berisha immediately. Of course if it was up to him, Berisha would now be freed on the spot. If this was his feeling, I asked him, would he not call his colleague in Berisha's behalf. "No," this was not possible. This response convinced me that prospects did not justify an extra day lost.

16. September 13, 1967: van den Steinen call to Embassy from Prizren: Set up scenario for Berisha's return--he was to be at Embassy by 0800 September 18. Also asked Matić to make one more try with Appeal Judge, Pristina.

17. September 13, 1967: Matić spoke at length with Appeal Judge, Pristina--no dice.

18. September 15, 1967: Matić spoke with prison administrator, Prizren--informed him that Embassy had made complete travel arrangements for Berisha. Was assured in turn that Berisha would be released as scheduled at 1400 September 17. Also called on lawyer Bobović--regrettably found him to be not a strong type--an older man interested primarily in how he would be paid.

19. September 18, 1967: When by 1200 Berisha had not arrived Embassy, Matić spoke with UDBA Chief Tucakovich, Prizren--was informed Berisha now in custody Public Prosecutor--no elucidation given.

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20. September 19, 1967: von den Steinen informed in Mostar--note prepared after mutual consultation.

21. September 20, 1967: Note delivered by Woods personally to Kelic. He was not helpful, stating Berisha being held under Articles 105 and 111, the nature of which was "unfamiliar" to him (espionage).

22. September 26, 1967: Radulevic informed Woods at cocktail party that Berisha was a Yugoslav citizen and implied that the authorities viewed their obligations toward us accordingly.

23. September 27, 1967: von den Steinen, calling on Kelic to present two non-related notes, took occasion to review case and non-response (written, of Foreign Office. Kelic also took line that Berisha is Yugoslav citizen and that Kardelj-Allen agreement had no application. I rebutted that there had been no question in anybody's mind in Prizren as of September 13 (my visit) of legitimacy U. S. interest. I also suggested that their interpretation of the Kardelj-Allen agreement regarding Berisha might be seen as a change of position. Kelic and his colleague Bulatovic listened to this without comment and with rather long faces. Partly as a trial balloon, I said that I would probably be interested in consular access sometime in the next week or two.

24. September 28-October 4, 1967: Nothing was done in the hope that Yugoslav intelligence authorities might primarily be interested in interrogating Berisha and we did not wish to force them to press charges.

25. October 4, 1967: Matic called Kelic to inform him I wished visit Berisha on October 10 and asked him to facilitate access. He said he would try.

26. October 9, 1967: Called Kelic (he had not called us) to check status proposed visit. Kelic responded with usual double talk--expression unhappiness his lack of response to 5 day notice, I said that hearing nothing to the contrary, I would go to the Kosmet anyway but that I and the Embassy would be very disappointed if the time and expense of my travel would be for naught. At this he promised to telephone Prizren. He called back just before I left saying he had been unable to get through.

27. October 9, 1967: We also called Chief of Protocol A. P. Kosmet, Ristic, who said he had heard nothing from Kelic, but that he would do his best to set up my visit.

28. October 10, 1967: Called on Ristic in Pristina. Very friendly but claimed total prior unawareness of case. Regretted that there was no A. M. public transportation to Prizren and that therefore I needed to wait another day (during call previous day he had assured Matic that there was). I told him that I had meanwhile arranged my own transportation. He then said he would call the authorities in Prizren so that I would be properly received. I took the occasion to reemphasize mildly regarding the lack of frankness we had encountered there previously. He reassured

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me and furthermore said he would personally bring the matter to the attention of the President of the Executive Council.

29. October 10, 1967: Called on Investigating Judge Mason--a young, intense, intellectual, insecure but ambitious, very short Shiptar who, while leaning to the line of Berisha's Yugoslav nationality, gave me de facto all the cooperation that might have been reasonably expected. Regarding access to Berisha, he clearly did not like the idea of my seeing him and asked me point blank if I "insisted". I replied affably that inasmuch as he was the man with the power I could not really "insist," but that if I did not see Berisha it would be because he, Mason, had "refused." He also showed me the Investigation Order, agreeing to give me a copy, but wished to send it in the mail. We compromised in that he gave me a separate copy of the charge only--agreeing to mail the rest. He also promised to notify us of the trial date and said he would furnish an interpreter if trial conducted in Albanian language (likely).

30. Saw Berisha in company Judge, Prison Administrator, and interpreter. Gave him some cigarettes. Told him I thought perhaps a younger lawyer conversant in Shiptar (Berisha claims no knowledge of Serbian) might represent him better in such a serious matter. He seemed to agree. (Further details cable.)

31. From cab driver, an astute and seemingly knowledgeable Shiptar, obtained recommendation lawyer Pristina. (Prisren only has 3 lawyers--one of whom I knew was not much good--and Pristina while close (50 miles) is perhaps far enough away for a case with political and ethnic overtones.)

32. October 10, 1967: Pristina--called on lawyer, Hassan Kriezju, an energetic and very astute seeming Shiptar who has recently set up private practice after 10 years as a public prosecutor. Made excellent impression on me showing both strength and shrewdness. Gave him copy of charge and briefing on background.

33. October 12, 1967: Matic at my behest called Ristic (Kosmet protocol) to thank him and to ask him whether he would like us to write a letter expressing thanks for his assistance this case. He said yes and mentioned that he had familiarized himself with the case in the meantime. There was no doubt, he said, that Berisha was guilty as charged, and a trial would take place. The trial would be open but there would be no statements to journalists, at least preceding it, since this was forbidden by law.

Attachments:

Foreign Office Notes Nos. 120 and 172

cc: POL - Mr. Dubs

CON: EwvondenStainen:nca 10/13/67

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