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HEADER

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TO RUFHOL/AMEMBASSY BONN IMMEDIATE 7840
INFO RUESNA/AMEMBASSY SANTIAGO IMMEDIATE 8347
RUEHLD/AMEMBASSY LONDON IMMEDIATE 9349
RUEHTV/AMEMBASSY TEL AVIV IMMEDIATE 4682
RUFHEB/AMEMBASSY BERLIN IMMEDIATE 1329
RUFHJA/USMISSION USBERLIN IMMEDIATE 5724
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TEXT
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E.O. 12356: DECL: OADR
TAGS: SHUM, CI
SUBJECT: FRG DEMARCHE TO CHILE ON WALTER RAUFF
REF: (A) STATE 64079 (NOTAL); (B) BONN 5530 (NOTAL)
1. THERE FOLLOWS, FOR ADDRESSEES' INFORMATION, A SUMMARY OF REPORT TO BONN FROM FRG AMBASSADOR IN SANTIAGO FOLLOWING HIS DEMARCHE TO THE CHILEANS ON RAUFF. AS THIS INFORMATION WAS RECEIVED IN CONFIDENCE, WE REQUEST THAT POSTS TREAT IT AS FYI ONLY AND NOT REFER TO IT IN CONVERSATIONS WITH FOREIGN COLLEAGUES. COMMENT: HOLZHEIMER WAS EMPHATIC, AT ONE POINT LABELING AS "HOGWASH" (AUGENWISCHEREI) BARROS' POINT THAT THE CASE WAS CLOSED AND COULD ONLY BE REOPENED IF NEW EVIDENCE WERE PRESENTED. END COMMENT.
2. ON FEBRUARY 29, 1984, AMBASSADOR HERMANN HOLZHEIMER CALLED ON MARIO BARROS, DIRECTOR GENERAL OF THE CHILEAN MINISTRY OF FOREIGN AFFAIRS (AND AMBASSADOR-DESIGNATE TO

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THE U.S.), AND REQUESTED THAT WALTER RAUFF BE DEPORTED TO THE FEDERAL REPUBLIC OF GERMANY. HE OFFERED TO ARRANGE FOR GERMAN POLICE OFFICERS TO PICK UP RAUFF AT SANTIAGO AND TAKE HIM TO GERMANY AT THE GERMAN GOVERNMENT'S EXPENSE.

3. THE DIRECTOR GENERAL SUGGESTED THAT THE REQUEST BE MADE IN WRITING BY NOTE VERBALE, TO WHICH THE GOVERNMENT OF CHILE WOULD OFFICIALLY REPLY. FOR THE TIME BEING, HE WAS IN A POSITION TO GIVE THE FOLLOWING INFORMATION.

4. THE GOVERNMENT OF CHILE WILL SOON MAKE AN OFFICIAL STATEMENT CONCERNING RAUFF. IT WILL POINT OUT THAT THE CASE IS RES JUDICATA, BUT COULD BE REOPENED AT ANY TIME IF NEW FACTS WERE BROUGHT FORWARD.

5. AMBASSADOR HOLZHEIMER REPLIED THAT THIS STATEMENT WAS HYPOCRITICAL IN THE SENSE THAT THE SUPREME COURT'S DECISION OF 1963 COVERED ALL CRIMES COMMITTED BY RAUFF IN THE NAZI PERIOD. THEREFORE, NEW FACTS COULD ONLY CONCERN CRIMES COMMITTED IN THE PERIOD AFTER 1963 UNLESS SUCH CRIMES CAME UNDER THE STATUTE OF LIMITATIONS.

6. THE DIRECTOR GENERAL CONFIRMED THAT THIS WAS CORRECT AND ADMITTED THAT NO NEW CRIMES COULD BE DISCOVERED. HE STATED THAT RAUFF'S DEPORTATION WOULD NOT BEIN THE PUBLIC INTEREST OF CHILE AT THE PRESENT TIME, AND THAT RAUFF HAD LIVED A LONG TIME IN THE COUNTRY AND HAD ALWAYS BEHAVED WELL. MOREOVER, THREE SUCCESSIVE GOVERNMENTS (FREI, ALLENDE, PINOCHET) HAD DECLINED TO EXTRADITE OR DEPORT RAUFF. THE CHILEAN GOVERNMENT WAS CONSIDERING PUBLISHING THE LETTERS IT HAD SENT TO SIMON WIESENTHAL RE RAUFF.

7. AMBASSADOR HOLZHEIMER POINTED OUT THAT THE CHILEAN GOVERNMENT WOULD BE SUBJECT TO INCREASING PRESSURE, NOT ONLY FROM THE FRG, ISRAEL, AND SIMON WIESENTHAL, BUT PROBABLY ALSO FROM THE UNITED STATES AND BRITAIN. AS DEPORTATION WOULD BE A POLITICAL AND NOT A LEGAL DECISION, CHILE COULD ARGUE THAT RAUFF OBTAINED HIS RESIDENCE PERMIT UNDER FALSE PRETENSE, I.E. BY CONCEALING THE CRIMES HE HAD COMMITTED.

8. MR. BARROS ADMITTED THAT THIS ARGUMENT WAS CONCEIVABLE. NEVERTHELESS, THE CHILEAN GOVERNMENT WOULD STICK TO THE DECISION UPHELD BY THREE SUCCESSIVE GOVERNMENTS. HE SAID THAT HE HAD GIVEN THE SAME REPLY TO MR. WIESENTHAL.

9. FOR BONN: EMBASSY SHOULD BRIEF THE FRG ON THE CONTENTS OF REF A AND THANK THEM FOR OUR CLOSE WORKING RELATIONSHIP ON THIS CASE. YOU SHOULD TELL GERMAN AUTHORITIES THAT THE ISSUE IS ONE OF CONTINUING POLITICAL IMPORTANCE TO US AND THAT WE WILL KEEP THEM INFORMED REGARDING THE GOC RESPONSE. WE WOULD BE INTERESTED IN ANY REACTION TO HOLZHEIMER'S DEMARCHE FROM EITHER THE

MINISTRY. SHULTZ

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