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TEXT
TAGS: PREL, AU
SUBJECT: AUSTRIAN AIDE MEMOIRE ON WATCHLIST DECISION

1. TEXT FOLLOWS OF A GOA "AIDE MEMOIRE" ON OUR WALDHEIM WATCH LIST DECISION. IT WAS CIRCULATED TO FOREIGN EMBASSIES IN VIENNA AND HANDED OVER TO HOST GOVERNMENTS BY AUSTRIAN MISSIONS ABROAD ON JUNE 1. SINCE IT WAS NOT ADDRESSED TO THE UNITED STATES, THE COPY REPRODUCED BELOW WAS PROVIDED BY THE MFA FOR OUR INFORMATION ONLY.

2. BEGIN TEXT:

"REGARDING THE ALLEGATIONS LEVELLED AGAINST THE AUSTRIAN FEDERAL PRESIDENT DR. **KURT WALDHEIM** AND THE DECISION BY THE US-GOVERNMENT TO PLACE HIS NAME ON THE SO-CALLED "WATCHLIST" THE FOLLOWING IS STATED:

THE AUSTRIAN FEDERAL GOVERNMENT CATEGORICALLY REJECTS THE UNPROVEN AND UNJUSTIFIED ALLEGATIONS LEVELLED AGAINST THE HEAD OF STATE DEMOCRATICALLY ELECTED BY THE AUSTRIAN PEOPLE. THE AUSTRIAN PARLIAMENT, SUBSEQUENT TO A REPORT

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BY THE VICE CHANCELLOR, PASSED A RESOLUTION REQUESTING THE FEDERAL GOVERNMENT TO SUPPORT ALL STEPS TAKEN BY THE FEDERAL PRESIDENT AIMED AT REFUTING THE UNJUSTIFIED ALLEGATIONS.

THE ALLEGATIONS ARE COMPLETELY UNPROVEN. INVESTIGATIONS CARRIED OUT RECENTLY BY A GROUP OF EXPERTS IN ARCHIVES IN BELGRADE HAVE NOT YIELDED ANY INDICATIONS AS TO CULPABLE BEHAVIOR OF DR. WALDHEIM. IN THE DOCUMENTS EXAMINED NO EVIDENCE COULD BE FOUND THAT DR. WALDHEIM POSSESSED ANY AUTHORITY OF COMMAND. THE GROUP OF EXPERTS WAS EXPLICITLY ASSURED BY THE YUGOSLAV AUTHORITIES THAT ALL EXISTING RELEVANT DOCUMENTS WERE MADE AVAILABLE FOR EXAMINATION. NEITHER WAS ANY PROOF PUT FORWARD REGARDING THE ALLEGATIONS RAISED DURING THE TALKS WHICH WERE HELD ON 15 MAY 1987 WITH A US-DELEGATION IN VIENNA.

ON THE OCCASION OF THE RECENT VISIT OF THE AUSTRIAN FEDERAL CHANCELLOR DR. FRANZ VRANITZKY IN THE UNITED STATES, US-OFFICIALS UNDERLINED THAT DR. **KURT WALDHEIM** IS NOT ACCUSED OF ANY WAR CRIMES. ATTORNEY-GENERAL MEESE POINTED OUT THAT ACCORDING TO THE HOLTZMAN-AMENDMENT ANY ACTUAL GEOGRAPHICAL PROXIMITY TO AND ORGANIZATIONAL AFFILIATION WITH A UNIT, WHICH PERSECUTED PEOPLE FOR POLITICAL OR RACIAL REASONS, IS SUFFICIENT TO PLACE A PERSON ON THE "WATCHLIST". PRECEDENTS FOR THIS DECISION WERE CITED (INTERPRETER, GUARD). NO ALLEGATIONS OF WAR CRIMES WERE RAISED OR HAVE EVER BEEN UNDER EXAMINATION IN THE COURSE OF THE PROCEDURE IN QUESTION. MOREOVER, PERSONAL GUILT IS NOT REQUIRED TO PLACE A PERSON ON THE "WATCHLIST".

ACCORDING TO THE GENERALLY RECOGNIZED RULES OF INTERNATIONAL LAW THE "WATCHLIST" DECISION AND THE PROCEDURE LEADING TO IT ARE INCOMPATIBLE WITH THE SPECIAL LEGAL STATUS ENJOYED BY HEADS OF STATE DURING THEIR TERM OF OFFICE. NO STATE MAY CLAIM JUDICIAL OR ADMINISTRATIVE JURISDICTION OVER A FOREIGN HEAD OF STATE DURING HIS TERM OF OFFICE. A DISTINCTION BETWEEN THE PRIVATE INDIVIDUAL AND HIS FUNCTION AS HEAD OF STATE - AS MADE BY THE US-GOVERNMENT IN THE PRESENT CASE - IS INADMISSIBLE IN THIS CONTEXT.

THE AUSTRIAN FEDERAL GOVERNMENT NOTES WITH SATISFACTION THAT NUMEROUS GOVERNMENTS WITHIN AND OUTSIDE EUROPE DISAPPROVE OF THE ALLEGATIONS LEVELLED AGAINST FEDERAL PRESIDENT DR. **KURT WALDHEIM**. IT IS TO BE EXPECTED THAT THE UNJUSTIFIED AND COMPLETELY UNPROVEN ALLEGATIONS AGAINST THE AUSTRIAN HEAD OF STATE WILL BE JUDGED BY THE VARIOUS GOVERNMENTS IN THE LIGHT OF THE FACTS SET FORTH ABOVE". END TEXT. LAUDER

ADMIN
END OF MESSAGE

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