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TEXT

TAGS: PREL, PGOV, PHUM, SOCI, CJAN, IT, GM, AR
COMBINE: COMPLETE

SUBJECT: MENEM SAYS ERICH PRIEBKE WILL BE EXTRADITED;
HIS LAWYER AND ATTORNEY GENERAL CAST DOUBTS

REF: BUENOS AIRES 3156

SUMMARY

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

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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

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 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

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

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

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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 PRIEBKE LIKELY TO PASS AWAY FIRST.

5. THE ITALIAN EMBASSY, ON THE OTHER HAND, IS CONFIDENT THAT ARGENTINA WILL EXTRADITE PRIEBKE TO ITALY. IT BELIEVES THE ITALIAN REQUEST MEETS THE TREATY'S REQUIREMENTS. AN EMBASSY OFFICIAL TOLD US 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?

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.

CHEEK

ADMIN
END OF MESSAGE

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