

SECRET

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TO RUEHC/SECSTATE WASHDC IMMEDIATE 7915
INFO RUFHEB/AMEMBASSY BERLIN 27
RUFHOL/AMEMBASSY BONN 552
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RUEHTV/AMEMBASSY TEL AVIV 148
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CONTROLS
SR2

\S E C R E T SANTIAGO 1533\
EXDIS
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TEXT
SR3

FOR UNDER SECRETARY EAGLEBURGER FROM AMBASSADOR THEBERGE
EO 12356: DECL: OADR
TAGS: SHUM PREL CI
SUBJECT: DEMARCHE TO GOC ON WALTER RAUFF CASE
REF: STATE 064079

1. SECRET - ENTIRE TEXT.
2. AS REQUESTED, WE SPOKE TO THE GERMAN AMBASSADOR ON MARCH 5 AND CONFIRMED THAT THE FRG (ON MARCH 1) MADE A FORMAL WRITTEN REQUEST TO THE CHILEAN GOVERNMENT TO DEPORT ALLEGED NAZI WAR CRIMINAL WALTER RAUFF, TO STAND TRIAL IN WEST GERMANY FOR CRIMES FOR WHICH HE IS ACCUSED. THE GERMAN AMBASSADOR SAID THAT HE WAS TOLD BY THE FOREIGN MINISTRY THAT PRESIDENT PINOCHET WOULD NOT DEPORT RAUFF SINCE HD HAD COMMITTED NO CRIMES IN CHILE AND THAT THE STATUTE OF LIMITATION HAD RUN OUT ON THE CRIME OF MURDER FOR WHICH HE HAS BEEN ACCUSED IN WEST GERMANY. FURTHERMORE THE THREE PRECEDING CHILEAN PRESIDENTS--CONSERVATIVE

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JORGE ALESSANDRI, CHRISTIAN DEMOCRAT EDUARDO FREI AND MARXIST SOCIALIST SALVADOR ALLENDE--HAD ALL REFUSED EXTRADITION OR DEPORTATION OF RAUFF IN LETTERS ADDRESSED TO SIMON WIESENTHAL. ACCORDING TO THE CHILEAN FOREIGN MINISTRY, PRESIDENT PINOCHET WOULD DO NOTHING THAT CONTRADICTED WHAT HIS THREE PREDECESSORS HAD DONE WITH RESPECT TO THE RAUFF CASE. IN THE NEAR FUTURE, THE GERMAN AMBASSADOR WAS TOLD, THE CHILEAN GOVERNMENT WILL ANSWER THE FRG WITH A PUBLIC STATEMENT RESTATING THE WELL KNOWN OFFICIAL POSITION OF THIS AND PREVIOUS GOVERNMENTS AS WELL AS MAKING PUBLIC THE CONTENTS OF THE ALESSANDRI, FREI AND ALLENDE LETTERS. THE GERMAN AMBASSADOR WAS INFORMED THAT THE CHILEAN GOVERNMENT HAD CONVEYED ITS VIEWS AND INTENTIONS TO WIESENTHAL, WHO ALLEGEDLY SAID THAT HE FULLY UNDERSTOOD THE CHILEAN POSITION. IF THE THREE PRESIDENTIAL LETTERS ARE NOT MADE PUBLIC, THE FRG WILL ATTEMPT TO OBTAIN COPIES DIRECTLY FROM WIESENTHAL, WHO APPARENTLY HAS THEM IN HIS POSSESSION.

3. WE ALSO CONSULTED WITH THE UK AMBASSADOR CONCERNING THE RAUFF CASE AND WERE INFORMED THAT HE HAD NO KNOWLEDGE OF ANY FRG REQUEST TO THE UK TO SUPPORT A DEPORTATION REQUEST IN CHILE NOR HAD HE RECEIVED ANY INSTRUCTIONS TO DISCUSS THIS MATTER EITHER WITH THE GERMAN AMBASSADOR OR THE FOREIGN MINISTRY.

4. WE DELIVERED A NON-PAPER WITH THE TALKING POINTS OUTLINED IN PARA TWO REFTEL A TO FOREIGN MINISTER DEL VALLE THE MORNING OF MARCH 6 AND SPOKE TO DEL VALLE ABOUT THIS MATTER LATER IN THE DAY. DEL VALLE SAID THAT THE CONTENTS OF THE NON-PAPER WERE COMPLETELY UNACCEPTABLE TO THE CHILEAN GOVERNMENT. HE ANGRILY ADDED THAT THE U.S. GOVERNMENT WAS NOT A PARTY TO THIS MATTER, AND THAT HE ENERGETICALLY REJECTED THE U.S. PETITION OF SUPPORT AS WELL AS THE TERMS IN WHICH IT WAS FORMULATED. DEL VALLE SAID THAT THE CHILEAN SUPREME COURT IN 1963 HAD DENIED AN EXTRADITION REQUEST BASED ON CHILEAN LAW AND THAT THERE WERE NO LEGAL GROUNDS FOR DEPORTATION OF RAUFF. HE ASKED WHETHER THE USG EXPECTED THE CHILEAN GOVERNMENT TO OVERRULE A SUPREME COURT DECISION TAKEN TWENTY-ONE YEARS AGO OR TO ARBITRARILY DEPORT SOMEONE NEITHER ACCUSED NOR CONVICTED OF ANY CRIME IN CHILE JUST BECAUSE A FOREIGN GOVERNMENT MADE A REQUEST. HE ASKED RHETORICALLY WHETHER THE USG DID NOT BELIEVE IN THE RULE OF LAW. HE SAID HE FOUND THE U.S. SUPPORT FOR THE FRG ON THIS MATTER TO BE QUOTE DISCONCERTING, ILLOGICAL, UNACCEPTABLE AND ABSURD. UNQUOTE. HE CONCLUDED BY SAYING THAT IF THE USG MADE PUBLIC THE CONTENTS OF THE NON-PAPER THEN HIS GOVERNMENT WOULD PUBLISH AN ENERGETIC REPLY WHICH FULLY REFLECTED WHAT HE HAD JUST TOLD ME. FOR ITS PART, HE SAID THAT THE CHILEAN GOVERNMENT HAD NO INTENTION OF MAKING THE NON-PAPER PUBLIC. WE ASSURED DEL VALLE THAT HIS VIEWS WOULD BE COMMUNICATED TO WASHINGTON, AND THAT IT WAS MY UNDERSTANDING THAT THE USG HAD NO INTENTION OF MAKING PUBLIC THE NON-PAPER.

EXDIS

FOR UNDERSECRETARY EAGLEBURGER FROM AMBASSADOR THEBERGE

5. COMMENT: THE FOREIGN MINISTER'S ANGRY RESPONSE TO THE U.S. NON-PAPER WAS NOT SURPRISING, AND REFLECTS THE

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FRAYED NERVES AND DEEPENING HOSTILITY OF THE CHILEAN GOVERNMENT TO FOREIGN PRESSURES, CRITICAL PUBLIC STATEMENTS, AND ACTIONS PERCEIVED AS INTERFERING IN CHILE'S INTERNAL AFFAIRS. THIS ANGER AND FRUSTRATION IS SHARED BY SOME SIGNIFICANT SECTORS OF CHILEAN PUBLIC OPINION. DEL VALLE DID NOT SUGGEST THAT HE OR HIS GOVERNMENT FELT THAT THE RESURRECTION OF THE RAUFF CASE WAS PART OF AN INTERNATIONAL CAMPAIGN AGAINST CHILE. BUT HE DID APPEAR PUZZLED AS TO WHY THIS ISSUE WAS BEING RAISED AGAIN AFTER SO MANY YEARS. IT IS EVIDENT FROM THE FOREIGN MINISTER'S ANGRY, ENERGETIC RESPONSE TO THE NON-PAPER AND TO THE FRG'S REQUEST THUS FAR THAT THE FRG'S EFFORT TO DEPORT RAUFF TO WEST GERMANY, WITH OR WITHOUT USG SUPPORT, HAD MADE LITTLE IMPRESSION ON PINOCHET. WE HAVE LITTLE INFLUENCE WITH THE CHILEAN GOVERNMENT AND THE MEMORY OF U.S. SOLE CERTIFICATION OF ARGENTINA, WHICH IS STILL RESENTED AS UNFAIR AND DISCRIMINATORY U.S. TREATMENT, IS STILL FRESH IN PINOCHET'S MIND. AS THE FOREIGN MINISTER MADE PERFECTLY CLEAR, THE CHILEAN GOVERNMENT IS NOT IMPRESSED BY OVERTURES WHICH PROMISE LITTLE BEYOND GOOD WILL FOR A POLITICALLY DIFFICULT IF NOT IMPOSSIBLE DECISION. THE CHILEAN GOVERNMENT BELIEVES IT HAS AN IMPREGNABLE LEGAL BASIS FOR ITS DECISION NOT TO EXTRADITE OR DEPORT RAUFF, AND CHILE'S LEGAL TRADITION CAN BE INVOKED ON BEHALF OF THE GOVERNMENT'S POSITION. THEREFORE, IT APPEARS MOST UNLIKELY THAT THE GOVERNMENT CAN BE PERSUADED TO REVERSE ITS DECISION (WHICH WE UNDERSTAND WILL BE GIVEN IN WRITING TO THE GERMAN EMBASSY SOON) TO DENY THE DEPORTATION REQUEST OF THE FRG, AS THE SITUATION NOW STANDS. FURTHERMORE, IF THE FRG DEMARCHE AND USG SUPPORT BECOME PUBLICLY KNOWN IN CHILE, IT WILL PREDICTABLY REINFORCE THE GOVERNMENT'S DECISION NOT TO DEPORT RAUFF AND SERIOUSLY DAMAGE U.S.-CHILEAN RELATIONS.

THEBERGE

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