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CONTROLS  
C O N F I D E N T I A L TEL AVIV 08200

E.O. 12356: DECL: OADR

TEXT  
TAGS: PREL, SHUM, AU, IS  
SUBJECT: ISRAELI INVESTIGATION OF KURT WALDHEIM

REF: TEL AVIV 5505

1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY

DENNIS GOULDMAN OF THE MINISTRY OF JUSTICE HAS TOLD US THAT HE GAVE JUSTICE MINISTER MODA'I A COPY OF THE ISRAELI REPORT ON KURT WALDHEIM CULPABILITY ON FRIDAY, MAY 30. ACCORDING TO GOULDMAN THE REPORT, WHICH HE WROTE, SAYS THAT WHILE THERE IS SUFFICIENT EVIDENCE AGAINST WALDHEIM FOR A FURTHER INVESTIGATION THERE IS NOT, AT PRESENT, ENOUGH EVIDENCE TO INDICT WALDHEIM OR TO ACCUSE HIM OF COMMITTING WAR CRIMES. JUSTICE MINISTER

STATE DEPT. DECLASSIFICATION REVIEW  
 Retain class'n  
 Declassify  
Change/classify to \_\_\_\_\_  
with concurrence of \_\_\_\_\_  
after \_\_\_\_\_  
EO 12958, 25X  
IPS/CR/IR by SD Date: 8/30/01

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SOURCES METHODS EXEMPTION 3B2B  
NAZI WAR CRIMES DISCLOSURE ACT  
DATE 2001 2007

NAZI WAR CRIMES DISCLOSURE ACT  
2000

CIA HAS NO OBJECTION TO  
DECLASSIFICATION AND/OR  
RELEASE OF CIA INFORMATION  
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MODA'I SAID THAT HE WOULD BE WILLING TO GIVE US A COPY OF GOULDMAN'S REPORT AS PART OF AN EXCHANGE OF INFORMATION ON THIS CASE. SPECIFICALLY THE ISRAELIS ARE INTERESTED IN DETAILS OF THE OFFICE OF SPECIAL INVESTIGATIONS' RECOMMENDATION TO BAR WALDHEIM FROM ENTRY INTO THE UNITED STATES AND STATEMENTS FROM WITNESSES UPON WHICH THE GOVERNMENT OF YUGOSLAVIA BASED THEIR COMPLAINTS TO THE U.N. WAR CRIMES COMMISSION. END SUMMARY.

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3. DENNIS GOULDMAN OF THE MINISTRY OF JUSTICE'S OFFICE OF INTERNATIONAL INVESTIGATIONS TOLD US THAT THE MINISTRY REPORT REGARDING **KURT WALDHEIM** WAS PRESENTED TO JUSTICE MINISTER MODA'I ON MAY 30. GOULDMAN SAID THAT HE IS NOT SURE IF MODA'I HAS HAD A CHANCE TO REVIEW THE REPORT AND DOES NOT KNOW WHAT MODA'I'S REACTION TO IT IS. ACCORDING TO GOULDMAN THE REPORT IS BASED ON DOCUMENTS GIVEN THE ISRAELIS BY THE WORLD JEWISH CONGRESS AND DOCUMENTS FOUND IN WALDHEIM'S UN FILE. GOULDMAN TOLD US THAT BASED ON THE DOCUMENTS IN THE ISRAELIS' POSSESSION "IT WOULD BE DIFFICULT TO INDICT WALDHEIM. HOWEVER IF WALDHEIM WERE IN ISRAEL THERE IS SUFFICIENT GROUNDS FOR A FURTHER INVESTIGATION." GOULDMAN CALLED WALDHEIM "A SMALL BUT VERY WELL INFORMED COG IN THE GERMAN MILITARY MACHINE."

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4. THE REPORT IS DIVIDED INTO SEVEN SECTIONS AND BEGINS WITH WALDHEIM'S MEMBERSHIP AS A STUDENT IN NAZI ORGANIZATIONS. ACCORDING TO GOULDMAN THE EVIDENCE SHOWS THAT WALDHEIM WAS AN ACTIVE MEMBER OF VARIOUS NAZI STUDENT ORGANIZATIONS AND NOT A DEDICATED ANTI-NAZI AS HE CLAIMS.

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5. ARMY SERVICE

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ACCORDING TO THE REPORT WALDHEIM HAS CONSISTENTLY LIED ABOUT HIS ARMY SERVICE IN THE BALKANS WITH ARMY GROUP E. GOULDMAN FOUND PARTICULARLY INTERESTING THE FACT THAT WHILE WALDHEIM HAS PUBLICLY ACKNOWLEDGED HIS SERVICE ON THE RUSSIAN FRONT, HE HAS CONSISTENTLY SOUGHT TO OBSCURE HIS SERVICE IN YUGOSLAVIA. GOULDMAN TAKES THIS AS AN INDICATION THAT WALDHEIM HIMSELF REALIZED THAT PUBLIC ACKNOWLEDGEMENT OF HIS ACTIVITIES WITH ARMY GROUP E COULD BE POLITICALLY DAMAGING. THE REPORT SAYS THAT WALDHEIM SHORTLY AFTER RETURNING FROM HIS MEDICAL LEAVE FIRST SERVED WITH

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THE WEST BOSNIAN ARMY GROUP (THE 714TH DIVISION). IT IS WELL KNOWN, SAID GOULDMAN, THAT THIS UNIT HAD STANDING ORDERS TO KILL 100 PARTISANS FOR EACH GERMAN KILLED AND 50 FOR EACH GERMAN WOUNDED. WALDHEIM IS ONE OF 35 OFFICERS CITED BY THE UNIT IN A REMEMBRANCE BOOK. GOULDMAN ADMITS THAT IT IS NOT CLEAR WHAT  
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WALDHEIM DID TO MERIT THIS CITATION NOR IS IT CLEAR WHAT HE DID TO MERIT A MEDAL FROM THE GOVERNMENT OF CROATIA.

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6. ARMY GROUP E HEADQUARTERS  
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ACCORDING TO THE REPORT WALDHEIM'S FIRST JOB IN THE HEADQUARTERS OF ARMY GROUP E WAS AS A TRANSLATOR FOR ITALIAN OFFICERS WHO SERVED WITH THE ARMY GROUP. LATER HE BECAME THE DEPUTY DIRECTOR OF THE OPERATIONS SECTION AND FROM JULY TO AUGUST 1943 HE KEPT A WAR DIARY. INCLUDED IN THAT DIARY WERE ORDERS TO GERMAN FORCES INSTRUCTING THEM TO SHOOT ALL PARTISANS AND TO SEND CIVILIANS SUSPECTED OF ANTI-GERMAN ACTIVITY TO FORCE LABOR CAMPS IN GERMANY. GOULDMAN REJECTS WALDHEIM'S ASSERTION THAT HE MERELY INITIALED THESE REPORTS WITHOUT KNOWING WHAT WAS IN THEM.

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7. INTELLIGENCE SECTION  
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WALDHEIM WAS THEN ASSIGNED TO THE ARMY GROUP'S INTELLIGENCE SECTION WHERE HE WAS IN CHARGE OF "SPECIAL ACTIONS AND INTERROGATION". GOULDMAN REJECTS THE WORLD JEWISH CONGRESS' POSITION THAT THIS IS EVIDENCE THAT WALDHEIM HIMSELF CARRIED OUT INTERROGATIONS OR REPRISALS. ACCORDING TO GOULDMAN, WALDHEIM "WAS TOO CLOSE TO THE GENERALS TO ACTUALLY DO THE ACTIONS HIMSELF. RATHER HE PROBABLY JUST PASSED INFORMATION TO HIS SUPERIORS INCLUDING GIVING INTELLIGENCE BRIEFINGS TO THE CHIEF OF STAFF OF THE ARMY GROUP." GOULDMAN ADDED HOWEVER THAT IT IS INCONCEIVABLE THAT REPRISALS AGAINST PARTISANS AND THEIR SYMPATHIZERS WERE NOT PART OF THESE BRIEFINGS. FURTHER WALDHEIM WAS AWARE OF THE ARMY GROUP'S STANDING ORDER TO ACT "WITHOUT MERCY" TOWARDS PARTISANS.

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8. DEPORTATION OF THE JEWISH POPULATION OF GREECE  
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GOULDMAN SAID THAT "WHILE THERE IS NO EVIDENCE OF WALDHEIM'S PERSONAL PARTICIPATION, IT IS HARD TO BELIEVE HE DID NOT KNOW THAT ONE FIFTH OF THE POPULATION OF SALANIKA HAD DISAPPEARED." ACCORDING TO THE EVIDENCE COMMANDERS OF GERMAN UNITS IN GREECE REPORTED ON DEPORTATIONS AND REFERRED TO ORDERS FROM WALDHEIM'S UNIT. EVEN IF WALDHEIM DID NOT PERSONALLY ORDER THE DEPORTATIONS, GOULDMAN SAID THAT "HE MUST HAVE KNOWN ABOUT THEM." GOULDMAN ALSO COMMENTED ON TWO ELDERLY ISRAELIS OF GREEK ORIGIN WHO HAVE TOLD THE PRESS THAT THEY PERSONALLY RECALLED THAT WALDHEIM WAS AT THE TRANSIT CAMP WHERE GREEK JEWS HAD BEEN SENT. ACCORDING TO GOULDMAN THESE STORIES ARE OF DUBIOUS LEGAL VALUE. ACCORDING TO THE JOURNALIST WHO INTERVIEWED THESE SURVIVORS, THEY IDENTIFIED WALDHEIM FROM A PICTURE OF HIM. HOWEVER, THIS IDENTIFICATION DID NOT MEET THE LEGAL REQUIREMENTS FOR ADMISSABLE EVIDENCE UNDER ISRAELI LAW AS THEY WERE NOT PRESENTED WITH A VARIETY OF PHOTOS.

9. MURDER OF BRITISH COMMANDOS  
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THE REPORT SAYS THAT WALDHEIM PASSED ON TO HIS SUPERIORS INFORMATION REGARDING THE CAPTURE OF BRITISH COMMANDOS. GOULDMAN SAID THAT AS HITLER HAD ORDERED THE EXECUTION OF ALL ALLIED COMMANDOS, WALDHEIM "MUST HAVE KNOWN ABOUT THEIR ULTIMATE FATE."

10. GOULDMAN'S VIEW OF WALDHEIM  
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ACCORDING TO GOULDMAN, THE DOCUMENTS REVEAL WALDHEIM TO BE "AMBITIOUS" AND "ANXIOUS TO MOVE CLOSER TO THE CENTERS OF POWER." GOULDMAN SAID THAT WALDHEIM WAS NOT THE RELUCTANT SOLDIER PORTRAYED IN WALDHEIM'S AUTOBIOGRAPHY; RATHER HE SHOWED AN "EAGERNESS TO BECOME  
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MORE INVOLVED IN THE ARMY GROUP'S ACTIVITIES." GOULDMAN SPECULATES THAT WALDHEIM'S "EAGERNESS" WAS MOTIVATED MORE BY "A DESIRE FOR POWER," RATHER THAN AN AFFINITY FOR NAZI IDEOLOGY.

11. GOULDMAN HAS SEEN A DRAFT OF THE WJC FINAL REPORT. HE SAID THAT THE WJC REPORT CAME TO "BASICALLY THE SAME CONCLUSIONS" BUT THAT IT "SPECULATED" A LITTLE MORE ABOUT WALDHEIM'S WARTIME ACTIVITIES.

12. ISRAELI JUSTICE MINISTER MODA'I TOLD GOULDMAN THAT HE WILL AUTHORIZE PASSING A COPY OF THE REPORT TO US AS PART OF AN "EXCHANGE OF INFORMATION." SPECIFICALLY, THE ISRAELIS ARE INTERESTED IN OBTAINING THE WITNESS'

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STATEMENTS UPON WHICH THE GOVERNMENT OF YUGOSLAVIA  
BASED ITS COMPLAINT TO THE UN'S WAR CRIME COMMISSION  
AND A COPY OF OSI'S RECOMMENDATION TO EXCLUDE WALDHEIM  
FROM THE UNITED STATES.

13. ACTION REQUESTED  
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PLEASE ADVISE IF THESE DOCUMENTS ARE IN UNITED STATES  
GOVERNMENT POSSESSION AND IF WE CAN PASS THEM TO THE  
GOI. PICKERING

END OF MESSAGE

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