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TEXT
TAGS: OVIP (RENO, JANET), PREL, DA, SZ, HU, EUN, AU
SUBJECT: ATTORNEY GENERAL TRAVEL TO EUROPE: AUSTRIAN ATTITUDES
TOWARD THE WALDHEIM WATCH LIST DECISION

REF: STATE 159447

1. U.S.-AUSTRIAN RELATIONS ARE EXCELLENT. AUSTRIA IS A NEUTRAL COUNTRY, A CONDITION IMPOSED IN 1955 AS PART OF THE PRICE FOR THE END OF OCCUPATION BY ALLIED FORCES. ON JUNE 12 AUSTRIAN VOTERS RETURNED AN OVERWHELMING 66.4 PERCENT ENDORSEMENT FOR ACCESSION TO THE EUROPEAN UNION, THE PARAMOUNT FOREIGN POLICY OBJECTIVE OF THE GOVERNMENT. THE GOA WILL SIGN THE ACCESSION AGREEMENT IN CORFU AT THE END OF JUNE, AND HOPES TO BE ADMITTED ON OR ABOUT JANUARY 1, 1995.

2. THE CASE OF **KURT WALDHEIM** -- THE "WATCH LIST DECISION" REMAINS A SENSITIVE SUBJECT IN AUSTRIA. THE DEPARTMENT OF JUSTICE IS CLOSELY IDENTIFIED WITH THE DECISION. WHILE IT IS UNLIKELY THAT THE AUSTRIAN OFFICIALS WITH WHOM YOU MEET WILL RAISE THE MATTER, ISSUE, IT IS POSSIBLE THAT THE PRESS WILL OR WOULD, GIVEN THE

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OPPORTUNITY.

3. WALDHEIM, FORMER SECRETARY GENERAL OF THE UNITED NATIONS, AND PRESIDENT OF AUSTRIA FROM 1986-1992, IS A PRESTIGIOUS PERSON IN AUSTRIA. PLACED ON THE "WATCH LIST" IN 1986 UNDER THE HOLTZMAN AMENDMENT, HE IS PROHIBITED BY LAW FROM OBTAINING A VISA TO ENTER THE UNITED STATES. THE WATCH LIST DECISION MADE WALDHEIM A PARIAS IN INTERNATIONAL POLITICS DURING HIS PRESIDENCY. HE WAS NOT RECEIVED IN WESTERN EUROPEAN CAPITALS, AND HEADS OF STATE AND HIGH-RANKING VISITORS AVOIDED AUSTRIA DURING THE PERIOD.

4. FEW AUSTRIANS, EVEN LEGAL EXPERTS IN THE GOA, UNDERSTAND THE HOLTZMAN AMENDMENT. DESPITE THE FACT THAT THE DOJ FILE ON THE DECISION WAS RECENTLY RELEASED TO THE PUBLIC, MANY ALSO DO NOT UNDERSTAND THE GROUNDS ON WHICH THE WATCH LIST DECISION WAS MADE. MOST BELIEVE THAT WHILE WALDHEIM CAN BE FAULTED FOR COVERING UP HIS WWII HISTORY, HIS ROLE AS A LIEUTENANT IN THE GERMAN ARMY IS HARDLY GROUNDS TO IMPLY HE WAS A WAR CRIMINAL. BEING PLACED ON THE WATCH LIST IS POPULARLY INTERPRETED TO IMPLY PRECISELY THAT, AND AUSTRIANS CONSIDER THE TREATMENT WALDHEIM RECEIVED UNJUSTIFIED ON THE BASIS OF THE EVIDENCE.

5. SOME AUSTRIANS COMPLAIN THAT A COUNTRY WHICH PRIDES ITSELF ON THE RULE OF LAW, THE RIGHT OF THE ACCUSED TO BE CONFRONTED BY HIS ACCUSOR AND WITH THE EVIDENCE, AND THE RIGHT TO A FAIR TRIAL HAS, IN THE CASE OF WALDHEIM, VIOLATED ITS OWN STANDARDS. THEY ARGUE THAT DUE PROCESS HAS NEVER BEEN DONE, AND CONTINUE TO INSIST THAT IT SHOULD BE. THUS SAYING THAT THE CASE IS CLOSED, THE DECISION MADE, AND THE WATCH LIST INSCRIPTION IRREVERSIBLE, IS NOT COMPREHENSIBLE HERE.

6. WALDHEIM, AS THE FORMER PRESIDENT, IS NOW A PRIVATE CITIZEN. SOME AUSTRIANS APPEAR TO BELIEVE THAT THIS COULD/SHOULD CHANGE THE SITUATION VIS-A-VIS THE WATCH LIST. AGAIN, THAT THIS IS NOT THE CASE IS DIFFICULT TO EXPLAIN.

7. 1995 IS THE 50TH ANNIVERSARY OF THE U.N. CHARTER. THIS MILESTONE WILL BE CELEBRATED IN THE U.S., AND IT IS POSSIBLE THAT THE U.N. MIGHT INVITE FORMER SECRETARIES GENERAL TO PARTICIPATE. EMBASSY IS AWARE THAT WALDHEIM HIMSELF HAS TRIED TO TEST THE WATERS TO FIND OUT WHAT THE U.S. RESPONSE MIGHT BE TO A REQUEST FOR A VISA TO ATTEND SUCH CELEBRATIONS. WHILE THERE IS NO CONFIRMATION EITHER THAT THE U.N. WILL ISSUE AN INVITATION OR THAT WALDHEIM WILL ASK FOR A VISA, THE POSSIBILITY CANNOT BE IGNORED, AND ANY COMMENT THE ATTORNEY GENERAL MIGHT MAKE IN CONNECTION WITH WALDHEIM AND THE WATCH LIST WOULD BE FRONT PAGE NEWS HERE.

HUNT

ADMIN
END OF MESSAGE

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