

Message Text

UNCLASSIFIED

PAGE 01 MELBOU 01609 100748Z
ACTION SCS-06

INFO OCT-01 EA-12 ISO-00 INSE-00 CA-01 JUSE-00 L-03
/023 W

-----089404 100801Z /16

P R 100648Z OCT 78
FM AMCONSUL MELBOURNE
TO SECSTATE WASHDC PRIORITY 4663
INFO AMCONSUL SYDNEY

UNCLAS MELBOURNE 1609

E.O. 11652: N/A

TAGS: CGEN (HAZNERS, VILIS)

SUBJ: JUDICIAL ASSISTANCE, WAR CRIMES INVESTIGATIONS

REF: STATE 255219 (NOTAL)

1. THE DEPARTMENT'S INITIAL REQUEST THAT WE TAKE A DEPOSITION ON OCTOBER 30, 1978, FOR PRESENTATION IN THE CASE OF MR. HAZNERS CAME TO US BEFORE THE DEPARTMENT LEVIED UPON US A REQUIREMENT TO SEND A CONSULAR OFFICER TO PARTICIPATE IN THE E.A. CONSULAR CONFERENCE AT MANILA OCTOBER 30 THROUGH NOVEMBER 3.

2. AS LONG AS IT LOOKED LIKE THE DEPOSITION WOULD REQUIRE ONLY A COUPLE OF HOURS ON OCTOBER 30, WE FELT WE COULD ABIDE BY OUR COMMITMENT, ALTHOUGH, DURING THAT WEEK WE WILL HAVE ONLY ONE CONSULAR OFFICER AT POST AND SOME REQUIREMENT WILL HAVE TO BE ASSUMED TO BE MADE ON HIS TIME FOR ISSUE OF VISAS, PASSPORTS, SCS ACTIVITIES AND OTHER NOTARIALS.

3. HOWEVER THREE DEPOSITIONS, OR PERHAPS FIVE DEPOSITIONS, OVER THE THREE DAYS NOVEMBER 1 TO 3 SEEMS LIKELY TO STRAIN OUR RESOURCES BEYOND THEIR CAPACITY.

4. WE PERCEIVE NO UNTOWARD DIFFICULTY IF THE DEPOSITIONS CAN BE SCHEDULED FOR THE FOLLOWING WEEK, I.E. NOVEMBER 6TH THROUGH 10.

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5. THE LAWS OF THE STATE OF VICTORIA PLACE CERTAIN LIMITATIONS UPON OUR ABILITY TO TAKE DEPOSITIONS. INFORMALLY WE HAVE BEEN INFORMED BY COMPETENT VICTORIAN AUTHORITY THAT THE CONSULAR OFFICER WHOM WE HAVE DESIGNATED WILL BE SPECIFICALLY EMPOWERED UNDER VICTORIAN LAW TO TAKE ANY NECESSARY DEPOSITIONS IN THE CASE OF MR. HAZNERS ON OCTOBER 30, 1978, AND THEREAFTER AS NECESSARY. WE

EXPECT TO HAVE THAT IN WRITING FROM COMPETENT VICTORIAN AUTHORITY THIS WEEK.

6. IN THE REFTTEL THE DEPARTMENT NAMED FIVE WITNESSES. TWO OF THEM HAVE ADDRESSES WITHIN THE MELBOURNE METROPOLITAN AREA. TWO OF THEM HAVE ADDRESSES IN SOUTH AUSTRALIA WHICH, WE ARE SURE THE DEPARTMENT WILL APPRECIATE, PUTS THEM AT ABOUT 500 MILES DISTANCE FROM OUR OFFICE BUT NONETHELESS WITHIN OUR CONSULAR DISTRICT. THE FIFTH HAS AN ADDRESS IN NEW SOUTH WALES, WHICH IS OUTSIDE OUR CONSULAR DISTRICT. DOES THAT MAKE ANY DIFFERENCE? ACTION REQUESTED: THE DEPARTMENT IS REQUESTED TO INFORM US IF THE DEPOSITIONS CAN BE RESCHEDULED.

7. PENDING A RESPONSE FROM THE DEPARTMENT, WE HAVE NOT ALTERED BOYLAN'S HOTEL RESERVATIONS NOR HAVE WE COMMUNICATED WITH ATTORNEY VILIS EGLITE TO CONFIRM WITNESSES' AVAILABILITY. WE HAVE COMMUNICATED WITH APPROPRIATE VICTORIAN AUTHORITIES AND HAVE BEEN INFORMED THAT THE CHANGE IN DATES AND IN THE NUMBER OF PERSONS TO BE DEPOSED WILL MAKE NO DIFFERENCE IN THE COMMISSION TO BE GRANTED US TO TAKE DEPOSITIONS.

8. A RESPONSE AT THE EARLY CONVENIENCE OF THE DEPARTMENT WILL BE APPRECIATED.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 10 oct 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978MELBOU01609
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780413-1160
Format: TEL
From: MELBOURNE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19781088/aaaacvkj.tel
Line Count: 85
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 60475e3f-c288-dd11-92da-001cc4696bcc
Office: ACTION SCS
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 78 STATE 255219
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1156327
Secure: OPEN
Status: NATIVE
Subject: JUDICIAL ASSISTANCE, WAR CRIMES INVESTIGATIONS
TAGS: CGEN, (HAZNERS, VILIS)
To: STATE
Type: TE
vdkgvkey: odbc://SAS/SAS.dbo.SAS_Docs/60475e3f-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014