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HEADLINE: Judge Says USSR Violated International Law in Seizing Wallenberg

SUBLINE: By TOM SEPPY, Associated Press Writer

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The Soviet Union violated international law 40 years ago by seizing Raoul Wallenberg, the Swedish diplomat credited with saving thousands of Jews from extermination by the Nazis, a federal judge ruled Wednesday.

U.S. District Judge Barrington D. Parker found against the Soviets in a suit filed on behalf of Wallenberg's half brother, Guy von Dardel, and his legal guardian, Sven Hagstromer, who charged the seizure and detention of Wallenberg in 1945 violated the laws and treaties of the Soviet Union, the laws of the United States and the law of nations.

They sought either Wallenberg's release from the Soviet Union or, if he is dead, the return of his remains for a hero's burial.

The suit also asked for a declaration of illegal action on the part of the Soviets, all pertinent information concerning Wallenberg's detention and a judgment of \$39 million — \$1 million for each year of his captivity up to the time the complaint was filed on Feb. 2, 1984.

The Soviets were served notice of the suit through the State Department but returned all documents to the U.S. Embassy in Moscow on April 19, 1984, with a note asserting absolute sovereign immunity.

In entering a default judgment against the Soviets, Parker said, "The Soviet Union's treatment of Raoul Wallenberg is unlawful under any standard of applicable law. It has never argued otherwise; it has denied and disclaimed its actions, but it has never defended them."

Parker said there are few principles of international law that are as universally recognized as that of diplomatic immunity.

"The seizure and detention of Raoul Wallenberg presents a clear violation of the law of nations as well as a clear violation of the laws and treaties of the United States and the Soviet Union," he wrote in his 40-page opinion.

"Moreover, the record in this action is clear, in that it does not show that the Soviet Union has sought, in any manner, to justify its conduct toward Wallenberg."

Wallenberg was 32, the scion of an influential Swedish family, when he was dispatched by the Swedish government to Budapest. By the time he arrived, on July 9, 1944, all the Jews outside the capital - 47,000 men, women and children - already had been deported to concentration camps. Wallenberg's mission was to save as many of the Jews of Budapest as he could.

In the six months between his arrival in Budapest and the occupation of Hungary by Soviet forces, Wallenberg is credited with saving 100,000 lives. In January 1945, as Soviet forces completed the occupation of Budapest, Wallenberg was arrested by the Soviet Union.

In the lawsuit, his family said they wanted to find out whether he is alive or dead. In 1957, the Soviets said he died of natural causes in prison a decade earlier.


Parker said there was insufficient evidence for him to make a definitive finding on whether Wallenberg is alive or dead.

"While the USSR has continuously represented that Wallenberg died in 1947, those representations are inconsistent with and at odds with credible and uncontroverted evidence presented by (the family) in this proceeding and they are rejected," he said.

Morris Wolff, an attorney and law professor who filed the suit, said in a telephone interview from Philadelphia that he is "absolutely thrilled with the decision."

"We find it to be a complete confirmation of the positions that we have taken with regard to the responsibility of the Soviet Union in the abduction and detention of Raoul Wallenberg," he said.

OVER



"We expect the Soviet Union now to provide a complete and honest accounting of what they have done to this hero and to provide an opportunity for us to come and to get him in Moscow and to bring him home."

Boris Malakhov of the Soviet embassy here said: "I'm not going to comment on it, but I think the case of Raoul Wallenberg was closed in 1957 when it was stated that Mr. Wallenberg died of a heart attack." As to reports Wallenberg is still alive, he said: "There is no evidence except for rumors."
