

PLEASE CIRCULATE THIS PRESS RELEASE TO AS MANY MEDIA OUTLETS
AS POSSIBLE

PRESS RELEASE, INQUIRY REQUESTED BY THE GERMAN PETITION
COMMITTEE OF THE GERMAN PARLIAMENT REGARDING THE
HANDLING OF THE WALLENBERG CASE

Re: Complaint: Ministry of Foreign Affairs – Raoul Wallenberg

Petition Committee of the German Parliament. Deutscher Bundestag,
Petitionsausschuss

Dear members of the Petition Committee,

For your information, I have been involved in the search for missing Swedish diplomat Raoul G. Wallenberg (1912 - ?) since 1985. I have been supported in the search by the Swedish government. This support was recognized by Prime Minister Persson, who wrote on 29 November 2001: “In this context your tireless efforts to promote the search for Raoul Wallenberg are appreciated by the Swedish Government. We regard them as a useful complement to the official investigation” (copy enclosed). A few examples of this cooperation were the issuing of the “Missing In Action Public Appeal”, whose text was agreed upon by the Swedish and Israeli Ministries of Foreign Affairs (copy enclosed). Furthermore, through the office of the Swedish legislation in Geneva, meetings were facilitated for me with Mr. Vieira De Mello, High Commissioner of Human Rights, as well as with Mr. Kellenberger, President of the International Committee of the Red Cross. In addition, I have had a meeting in Bonn with President Roman Herzog and I spoke to President Horst Köhler during his visit to Israel at the reception in the King David hotel in Jerusalem.

I would please like to request your assistance in finding out why the German government is the only government that states, “Raoul Wallenberg is considered as dead” (Letter of The Minister-Counsellor of the Federal Republic of Germany, Tel Aviv, Dr. Cyrill Nunn, Tel Aviv, Israel, 6 November 2003, copy enclosed). To the best of my knowledge, I am not aware of any official German governmental inquiry that

has led to this conclusion mentioned above, and therefore I believe that this statement is in contradiction of Human Rights laws.

For your information, Sweden states that the Raoul Wallenberg case today remains on the official Swedish-Russian agenda, and the question of what happened to Raoul Wallenberg in Soviet captivity remains formally open. There is a general consensus among professional historians and Wallenberg researchers that important documents exist in Russian archives that could shed light on the issue of Raoul Wallenberg's fate. Sweden outlined this fact at the end of its official Swedish Working Group report in 2001 through formulation of 17 questions that the Russian side can and must answer before any binding conclusions about Raoul Wallenberg's fate can be drawn.

This general consensus is supported by Vasily S. Khristoforov, Head of the Office of Registration and Archival Funds of Russia's FSB, Lieutenant General, Doctor of Law, member of the Commission for the Rehabilitation of Victims of Political Repression under President of Russian Federation, who said "The point in the history of Raoul Wallenberg has not yet been set." (Translation provided by Google; please see original Russian text <http://www.vremya.ru/2009/6/13/221158.html>.)

The following legal information is provided by David Matas, Wallenberg expert and International Human Rights lawyer:

The United Nations Declaration on the Protection of all Persons from Enforced Disappearance adopted by General Assembly resolution 47/133 of 18 December 1992 provides in article 13 (6): "An investigation, in accordance with the procedures described above, should be able to be conducted for as long as the fate of the victim of enforced disappearance remains unclarified."

The International Convention for the Protection of All Persons from Enforced

Disappearance 23 September 2005 provides in article 24 (6): "Without prejudice to the obligation to continue the investigation until the fate of the disappeared person has been clarified, each State Party shall take the appropriate steps with regard to the legal situation of the disappeared persons whose fate has not been clarified and that of their relatives, in fields such as social welfare, financial matters, family law and property rights" Germany signed this Convention on September 26, 2007.

The Vienna Convention on the Law of Treaties of 23 May 1969 provides in article 18 "A State is obliged to refrain from acts which would defeat the object and purpose of a treaty when:

- (a) it has signed the treaty or has exchanged instruments constituting the treaty subject to ratification, acceptance or approval, until it shall have made its intention clear not to become a party to the treaty; or
- (b) it has expressed its consent to be bound by the treaty, pending the entry into force of the treaty and provided that such entry into force is not unduly delayed."

Declaring that Raoul Wallenberg "is considered as dead;" when he has disappeared violates both the Declaration and Convention on Disappearances. The fate of Raoul Wallenberg remains unclarified. That means that there is a duty on all States to continue an investigation into his fate until it becomes clarified.

Declaring that Raoul Wallenberg "is considered as dead" when he has disappeared means that Germany is violating its obligation not to frustrate an investigation into his fate. A declaration of death has, inevitably, the effect of discouraging continuing investigation. A declaration of death is a statement that the fate of Raoul Wallenberg is known; yet, in reality it is not.

Though Germany has just signed the Convention on Disappearances and has not yet ratified it, a declaration that Raoul Wallenberg "is considered as dead" when he is disappeared is an act which defeats the object and purpose of the Convention on

Disappearances. It therefore violates the Vienna Convention on the Law of Treaties.

I am appealing to you, as members of the Petition Committee, on humanitarian grounds, to please demand a full inquiry to clarify on which grounds Dr. Cyrill Nunn made his statement.

I look forward to hearing from you.

Respectfully submitted,

Max Grunberg

P.S. This document has been made available for distribution to the general public

Raoul Wallenberg Honorary Citizen Committee
P.O. Box 38
43100 Ra'anana
Israel
Tel: 09 7710768
Mobile: 054 4953039
E-mail: max@maxgrunberg.com