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August 31st, 2010

Press Statement

German Federal Government refused to release secret Eichmann files despite a decision of the Federal Administrative Court

In the litigation for the release of about 3,400 documents of the Federal Intelligence Agency Bundesnachrichtendienst (BND) in the Federal Administrative Court, the Federal Chancellery presented on August 31st, 2010 some previously locked files of the Federal Intelligence Agency about Adolf Eichmann. Reason for this was the decision of the Federal Administrative Court of 19 April 2010, declaring classification of the Eichmann files by the Chancellor's Office as illegal. In the decision, the Federal Court rejected the view of the government of Angela Merkel totally and argued in particular that a classification of files must consider very special reasons for maintaining secrecy for more than 30 years and these reasons must be explained with facts.

On 31 August 2010, the Federal Chancellery now presented several files and locked other files again. After our inspection of these files in the Federal Administrative Court in Leipzig, we, as the lawyers of the plaintiff, Dr. Gabriele Weber, want to publish the following statement.

1) The now submitted documents are in considerable parts either totally white or totally black, and in many of them, we could not even see a date or a reference number. Most of the files are bad copied, so it is impossible to read them.

2) Nearly all the documents are referring to a time period after Eichmann's arrest in 1960. Many records were either not submitted, or whitened or blackened or illegible. This is the case of:

a) all files of BND referring to disappearance of Eichmann in Germany in the years 1945-1950 and Eichmann's escape from Germany to Italy and to Argentina;

b) all files referring the knowledge of BND of Eichmann's existence in Argentina. From declassified CIA records we know that BND knew definitively from March 1958 where Eichmann lived in Buenos Aires und under which name. But these records, showing that the Adenauer government was clearly not interested in the arrest and extradition of Eichmann (and his conviction in Germany), are not under the submitted ones.

3) An agent of the Federal Intelligence Agency entered on 29 June 1961, during the Eichmann trial in Jerusalem, in the hotel room of the lawyer for the survivors of the Holocaust victims in the King David Hotel and stole documents and retainers. In the

now presented files of BND, these documents are not mentioned. These „documents named a number of high ranking German policy maker“ (according to a released document of German Ministry for Foreign Affairs) of the Adenauer Government. The German government classified this protocol and the stolen documents that were brought by their agent to BND on 30 July 1961. These stolen documents have never been returned to the Holocaust victims.

4) Despite the incompleteness of the documents now presented, we have now a concise idea of Eichmann's escape from Germany and the behavior of the Adenauer government when they knew where Eichmann was living in Argentina. Eichmann went underground in April 1945, because he was considered a „high ranking Nazi“. In spite of that Eichmann lived without any problems in the northern part of Germany, initially as a lumberjack, and then near Celle as a chicken farmer under the name Otto Henninger. In 1950, he traveled with the help of an Austrian Nazi to Austria, and then with the help of the catholic pastor to South Tyrol where he was received in the Franciscan Monastery of Bolzano. There he got a passport with the name Ricardo Clement. With this passport, he flew to Argentina on the so called rat line.

Identity and whereabouts of Eichmann in Buenos Aires (Eichmann worked as an electrician in the Mercedes-Benz plant in Gonzalez Catán, were finally discovered in 1957 by the survivor of a concentration camp, Lothar Herrmann. The BND also learned where Eichmann was, when he began to give interviews at that time.

The files now available confirm that the Adenauer government, despite their knowledge of Eichmann's residence, never has taken an initiative to arrest or extradite the war criminal. Important activities of the Adenauer government only began immediately after the arrest of Eichmann in Buenos Aires and his imprisonment in Jerusalem. The records also confirm that the Adenauer government in the years 1960 and 1961 wanted to prevent the publication of Eichmann's statements about the Nazi past of politicians and officers in the government of the Federal Republic.

5) After having seen the released files in the Federal Administrative Court, we have immediately requested another decision of the Court to declare once again the Chancellor's classification as illegal. This will be decided by the judges again in an in-camera proceeding. We believe that this is done soon, because they just have seen the original of the entire record.

6) In our opinion, the behavior of the Federal Chancellery is a violation of the Federal Administrative Tribunal. Contrary to the final decision of the Court of 19 April 2010, the government just presented another letter in order to maintain secrecy for many records and having deleted or blackened entire pages. We do not understand the disdain of the government towards the Federal Court. And we sharply criticize the impediment to write the contemporary history of the Federal Republic during the Adenauer era. All the people mentioned in the files are dead, and there is no need to protect methods and sources.

More information about this case you can on our website under "Procedures, 9 " (www.geulenklinger.com). The press release of the Federal Administrative Court "retain files of Adolf Eichmann is unlawful" of 30 April 2010 is found on their homepage: www.bverwg.de (Press Release, No. 35/2010 of 30.04.2010).

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