

What Happened to Raoul Wallenberg?

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I. INTRODUCTION

ON 5 SEPTEMBER 1996, THE HONOURABLE LLOYD AXWORTHY, Minister of Foreign Affairs and International Trade for the Government of Canada, announced that the Government would assist in defraying the cost of my research activities to determine the fate and whereabouts of Raoul Wallenberg. The amount granted was \$5,000.00. In pursuit of that research, I have travelled to Riga, Latvia; London, England; Stockholm, Sweden; Moscow, Russia; Geneva, Switzerland; and Washington, D.C., U.S.A. I was in Riga on 15 November 1996; in Stockholm the week of 12 January 1997; in London the week of 11 February 1997; in Moscow the week of 3 March 1997; in Geneva the week of 26 March 1997; and in Washington, D.C. from 17 May 1997.

In September 1991, both the Swedish and Russian governments appointed Working Groups to investigate and report on the fate of Raoul Wallenberg. I travelled to Riga to meet Hans Magnusson, Head of the Swedish Working Group on Raoul Wallenberg and Swedish Ambassador to Latvia. In Washington, D.C. I met with Susanne Berger, an independent Wallenberg researcher. In Geneva, Switzerland, I met with Guy Von Dardel, Raoul Wallenberg's brother.

* For the protection of confidentiality and sources, not all of the research documents referenced have been cited.

† I originally intended to delay the release of my report until the Swedish and Russian working groups released theirs. The reason for that was twofold. One is that they have done a considerable body of work. Their reports contain substantial information to which a reader could usefully refer when considering my report. I saw no point in duplicating the work those groups have done. My own work is an attempt to both complement and supplement the reports of the Russian and Swedish working groups, rather than an attempt to replace them.

Second, this report proposes a program of action to complete the work of investigation beyond that of the working groups. There seems to be little point in suggesting what should come after the Working Groups while their work is still in progress. As their work was still ongoing while I was writing my report, I have made suggestions for further work on Raoul Wallenberg directly to the working groups.

In both London and Washington, I attempted to gain access to archival documents. The details of these visits and information about my contacts in Stockholm and Moscow constitute the body of this report.

From the time I began my work, the release of the Swedish and Russian Working Group reports appeared imminent. Release dates, though constantly changing, were never more than a few months away. In the fall of 1997, I was told that reports from the Working Groups would be released in December 1997 or January 1998.

While I think that my report would have best followed the release of the reports of the Swedish and Russian Working Groups, I have always believed that the Raoul Wallenberg case was one of the utmost urgency. Thus, I have decided to release my report now. When the two groups release their reports, I will comment on them individually.

My own involvement in the Raoul Wallenberg dossier dates from 1989. Irwin Cotler of the Faculty of Law at the University of McGill chaired an International Commission of Inquiry and a Soviet International Joint Commission on the fate and whereabouts of Raoul Wallenberg. I was asked to assist him with the two commissions. The first commission began its work in February 1989 and released its report in May 1990. The second commenced in August 1990, and announced its findings in September 1990.

My work for these commissions made me realise that the story of Raoul Wallenberg had not yet been told in full, and convinced me that much was available in archives behind closed doors. I felt that Government backing was necessary in order for me to get beyond those doors, and approached the Government of Canada to assist in this work.

Although this report is my own and not a report of the Government of Canada—the Government assistance was helpful, not only financially, but in terms of gaining access to and status with government officials in other countries. In particular, the meetings I had with Russian government officials when I was in Moscow were arranged by the Canadian Embassy. I doubt I could have met with those people without such assistance.

A. The Historical Context

President Roosevelt asked the American Government War Refugee Board to help save the Jews of Hungary from the Holocaust. The War Refugee Board asked its representative in Sweden to find a person for that task. The Swedish representative of the War Refugee Board, Iver Olsen, had his offices in the same building as an import export firm where Raoul Wallenberg worked—Central European Trading Company Incorporated—Wallenberg's boss, Kalman Lauer, recommended Wallenberg who then departed for Budapest.

Between 9 July 1944, when Raoul Wallenberg arrived in Budapest and 14 January 1945, when he was arrested by the Soviets, he saved up to 100 000 Hungarian Jews from the Holocaust by using Swedish passports and other

means. Wallenberg was arrested by advancing Soviet troops and taken to Moscow on the order of Deputy Defence Minister Nikolai Bulganin. He arrived in Lubyanka prison in Moscow on 6 February 1945. He was never heard from again.

Wallenberg has been much honoured for his heroic efforts during those last six months of 1944. Statues, memorials, buildings and parks have been created in memorium of him. He is the great hero of the 20th Century—a person who demonstrated what one individual could do in the face of evil. He is an honorary citizen of Israel, the United States and was made an honorary citizen of Canada in 1985 by an act of Parliament.

Wallenberg was much honoured, but little helped. It is ironic and tragic that he who helped so many was so little helped himself; that he who rescued so many was not himself rescued. If he is still alive, he will have spent over fifty years in Soviet and Russian prisons and hospitals. He was 33 when he was arrested. Now, if alive, he would be 88.

B. The Legal Context

1. *The Law on Disappearances*

The United Nations *Declaration on the Protection of All Persons from Enforced Disappearance*¹ has been violated in the case of Raoul Wallenberg. The *Declaration* was adopted by the United Nations General Assembly on 18 December 1992. Raoul Wallenberg disappeared long before that. Nonetheless, he remains a disappeared person to this day, and the *Declaration* remains applicable to his case.

The United Nations Commission on Human Rights Working Group² on Enforced or Involuntary Disappearances began its work in 1980, before the adoption of the *Declaration*. It assumed within its mandate persons who had disappeared prior to the creation of the Working Group and indeed, persons who had disappeared and found dead prior to the creation of the Working Group. The UN Working Group did not feel constrained to deal with only those cases of persons who had disappeared after the Working Group had been created.³

If one examines the *Declaration*, virtually every provision—except for those about children and asylum—applies to the case of Raoul Wallenberg. In particular, Russia is in violation of every one of those duties under the *Declaration* to which the Raoul Wallenberg's case is relevant. To say that Russia is in viola-

¹ United Nations, General Assembly Resolution 47/133 of 18 December 1992 [hereinafter *Declaration*]

² Hereinafter UN Working Group.

³ Commission on Human Rights, Economic and Social Council, *Report of the Working Group on Enforced or Involuntary Disappearances* (United Nations Document E/CN.4/1435, 1981).

tion of the *Declaration* does not necessarily mean that Russian officials are now actively hiding Raoul Wallenberg in their prisons or hospitals. Inadequate investigation, a failure to release relevant documents, denying the Wallenberg case the priority and attention it deserves all amount to violations of the *Declaration*.

The *Declaration* imposes duties on *all states* to investigate the fate of a disappeared person, not just on the state in whose territory the disappearance occurred. The *Declaration* thus imposes duties on Sweden, Canada and Russia to account for the fate of Raoul Wallenberg. It further provides that an investigation into the fate of a disappeared person should be conducted for as long as the fate of the victim of the enforced disappearance remains uncertain.⁴ Premature cessation of the investigation into the fate of Raoul Wallenberg would violate this provision.

2. *Burden of Proof*

Raoul Wallenberg may be alive or dead. It is my view that the burden of proof should be on the proposition that he is dead and not on the proposition that he is alive.

If we assume that Wallenberg is alive, when in fact he is dead, then we have lost only our own time and effort in attempting to locate him. Alternatively, if we assume that he is dead, when in fact he is alive, then we will be perpetrating a cruel injustice on Raoul Wallenberg himself. In light of all that he has done for others, our own assumptions should be structured to do as much as possible for him.

3. *Standard of Proof*

Our choices for the standard of proof are: *prima facie* proof; reasonable possibility; balance of probabilities; clear and convincing evidence; and proof beyond a reasonable doubt. *Prima facie* proof is established after examining the evidence in favour of a proposition without examining any evidence to the contrary. Proof on a reasonable possibility establishes a proposition on more than a hypothetical possibility but goes no further. Proof that establishes a proposition with a one in ten chance of being true is considered to be proof on a reasonable possibility.

Proof on a balance of probabilities requires proving that a proposition is more likely than not to be true. Proof on a balance of probabilities must establish that a proposition has more than a 50 percent chance of being true.

Clear and convincing evidence of truth is a standard higher than a mere balance of probabilities. It approaches the standard of proof beyond a reasonable doubt, without quite reaching it. Proof beyond a reasonable doubt is the highest

⁴ *Declaration*, *supra* note 1 at Article 13(6).

standard of proof. Demanding proof beyond this standard becomes unreasonable.

In addition to the burden of proof being on the proposition that Raoul Wallenberg is dead, the standard of proof should be beyond a reasonable doubt. This burden and standard is most likely to spur further inquiries and to answer unanswered questions. Any other burden or standard is likely to leave matters unresolved.

4. Privacy

Russian officials denied photocopying Vladimir prison records by citing privacy concerns, by stating that the permission of all those named in the cards, or their relatives, if dead, had to be sought before photocopying could be permitted. Denying access to records on this basis is a violation of international law.

The *Declaration* states that an official, up to date register of all persons deprived of their liberty shall be maintained in every place of detention. Additionally, each state shall take steps to maintain similar centralised registers. The information contained in these registers shall be made available to family members, their counsel or to any other persons having a legitimate interest in the information—unless a wish to the contrary has been manifested by the persons concerned. Further, the information contained in the registers shall be made available to any judicial or other competent and independent national authority and to any other competent authority entitled under the law of the state concerned or any international legal instrument to which the state concerned is a party, seeking to trace the whereabouts of a detained person.⁵

II. SOVIET COVER-UP AND RUSSIAN COOPERATION

A. The Soviets

The Soviets were involved in fabrications, document destruction, and obstruction that began with Raoul Wallenberg's arrest and continued until nearly the end of the Soviet period. Furthermore, to this day, the Russians have been less than fully cooperative in uncovering the truth about Raoul Wallenberg.

In March 1945, Kossuth radio, the Moscow based Communist radio station broadcast in Hungary, announced that "all signs indicate" Raoul Wallenberg had been murdered by Gestapo agents.⁶ This misinformation was disseminated after Raoul Wallenberg had been in Soviet hands for two months.

⁵ *Declaration, supra* note 1 at Article 10.

⁶ See E. Lester, *Wallenberg: The Man in the Iron Web* (Boston: Prentice Hall, 1982) at 74 and 131; F. E. Werbell and T. Clarke, *Lost Hero: The Mystery of Raoul Wallenberg* (New York: McGraw-Hill, 1982) at 164.

In February 1947, Peter Fedotov, Chief of Counterintelligence of the Ministry of Security (MGB), a predecessor of the KGB, told K.I. Novikov, Chief of the Second European Division of the Soviet Foreign Ministry (MID), that Raoul Wallenberg was being held by the MGB. Different documents available today note this conversation. Fedotov worked for Viktor Abakumov, Minister of Security. Novikov worked for Deputy Foreign Minister Andrei Vyshinsky. Between 1945 and 1947, the Swedish government made repeated requests to the Soviets about Raoul Wallenberg. These requests, coupled with the knowledge the Soviet Foreign Ministry had from the Ministry of Security that Raoul Wallenberg was in MGB hands, led to a number of communications regarding Wallenberg.

Vyshinsky wrote to Vyacheslav Molotov—then Vice Chair of the Council of Ministers and Deputy Prime Minister—by memorandum dated 13 May 1947:

We several times in oral and written form channelled our requests in 1945 and 1946 to SMERSH and later to the Ministry of State Security for clarification on the fate and whereabouts of Wallenberg. As a result of this, only in February of this year in his talk with Comrade Novikov did Comrade Fedotov inform us that Wallenberg was now at the disposal of the Ministry of State Security and promise to report to you personally on further undertakings of the Ministry of State Security in this case.⁷

Vychinsky wrote to Abakumov on 7 July 1947:

In order to solve the question of a reply [to the Swedes] and its contents, it would be important to have information about the place where Wallenberg was taken into the protection of the Soviet military forces, his whereabouts at this time, the places to which he was moved and whether any fighting or bombing occurred at these places, whether Wallenberg had freedom of movement or [was] under constant surveillance and whether at this point in time he was in contact with or met members of the Swedish Embassy in Vienna [presumably this should be Budapest] or other foreigners.

In August 1947, one month later, Vyshinsky wrote to Swedish Ambassador Rolf Sohlman that Raoul Wallenberg

was not and never had been in the Soviet Union ... There remains only the supposition that Wallenberg died during the battle in the city of Budapest [in 1945] or that he was captured by the Arrow Cross [the Nazi puppet fighting force in Hungary].

The contrasting documents, one set internal to the Soviet system and another external set to a Swedish government representative, show something that surfaces repeatedly in the Wallenberg history: unequivocal and blatant attempts by senior members of the Soviet government to mislead with regard to Raoul Wallenberg—to state publicly what Soviet officials knew not to be true. Lying about Raoul Wallenberg was a government policy—a policy established at the highest levels of the Soviet government.

Of course, lies in 1945 and 1947 were lies of many years ago. However, lying

⁷ P. Sudoplatov et al., *Special Tasks: The Memoirs of an Unwanted Witness—A Soviet Spymaster* (Boston: Little, Brown, 1994) at 272.

has occurred more recently. In February 1957, Deputy Foreign Minister Andrei Gromyko released a memorandum stating that after a page by page search of archival documents from all wards in certain prisons, a document was found that likely referred to Raoul Wallenberg. The document—a 1947 report from A.L. Smoltsov, Health Service Director of Lubyanka prison to Abakumov—said that “Walenberg” died suddenly the previous night, probably the result of a heart attack. The document was dated 17 July 1947. Smoltsov asked Abakumov for permission to do an autopsy. A further note was added saying: “It has been ordered that the body be cremated without an autopsy.” Later in 1957, Nikita Khrushchev announced that Raoul Wallenberg had been arrested by Abakumov and that Abakumov had been subsequently executed for this, and other, crimes.

Abakumov had indeed been executed, but not for the arrest of Raoul Wallenberg. The indictment of Abakumov has since been published and the arrest of Raoul Wallenberg is nowhere mentioned among the charges. Moreover, the person responsible for the transfer of Raoul Wallenberg from Budapest to Moscow was honoured and promoted. Bulganin, the person responsible for the transfer of Wallenberg, was, at the time the Gromyko memorandum was released, Nikita Khrushchev’s Prime Minister.⁸

The 1957 Gromyko memorandum went through several drafts. A draft of April 1956, attached as an appendix to a memorandum from Vyacheslav Molotov, then Vice Chair of the Council of Ministers and Deputy Prime Minister, and Ivan Serov, Head of the KGB, to the Central Committee stated that Raoul Wallenberg had been held in Lefortovo prison. It went on to note that he died in the Lefortovo prison hospital in July 1947, and that his body was cremated.

In October 1956, Soviet Foreign Minister Sjepilov sent a memorandum to the Central Committee, enclosing a later draft of what became the Gromyko memorandum. This draft maintained that Raoul Wallenberg was held in Lefortovo and Butyrka prisons and that he had suddenly died on 17 July 1947, and the body cremated.

Such earlier drafts are noteworthy in that they present a similar explanation to the Smoltsov note, even though it note had not surfaced at that time. It is also noteworthy that these 1956 drafts had Raoul Wallenberg dying at a different prison from the one he is alleged to have died in according to the Smoltsov note. The 1956 drafts have Raoul Wallenberg dying in either Lefortovo or Butyrka prison. The Gromyko memorandum as finally released has Raoul Wallenberg dying in Lubyanka prison.

The April 1956 draft gave as the source of its information the records of Abakumov, the former commander for counter espionage. The October 1956

⁸ *Sudoplatov*, *supra* note 7 at 275.

draft said that its information came from several persons. The Gromyko memorandum released in February 1957, cited its sole source of information as the Smoltsov note. This particular draft stated that "no data were found containing information on Wallenberg's stay in the Soviet Union" aside from the Smoltsov note.

According to the Gromyko memorandum, a thorough archival search was conducted relating to prisoners and the investigation files from Lefortovo, Lubianka, and Vladimir prisons for information about Raoul Wallenberg. Yet, a visit by researchers to Vladimir prison in September 1990, established that no such search was ever made.⁹ Prison archives had not been previously examined; prison officials had not been previously interviewed; witnesses had not been previously questioned.

The Gromyko memorandum talks of the Smoltsov note being found in the medical service archive at Lubianka prison. However, according to Konstantin Vinogradov, Deputy Head of Archives of the Federal Security Service, no such archive has ever existed. Furthermore, a KGB official interviewed by the Swedish Working Group stated that, in 1956, he was given the job of searching Lubianka prison records for evidence that Raoul Wallenberg suffered from some illness. He did not find the Smoltsov report during his search.

It should be obvious that the Gromyko memorandum was not generated as a result of discovery of the Smoltsov note. Indeed, there is much to suggest that the Smoltsov note was itself a fabrication. Why then did the Soviets produce a new lie in 1957, that Wallenberg died of a heart attack in 1947, rather than maintain the old lie that he died in 1945?

Indeed, there were Soviet adherents to the position that the old lie should be maintained. Deputy Foreign Minister Andrei Gromyko wrote to KGB Chief Serov in 1954, asking for a report on the date and circumstance of the death of Raoul Wallenberg. Serov answered that it was not suitable to deviate from the reply used since 1947.

By 1957, the Soviets had released a number of German prisoners of war. Their evidence showed unequivocally that Raoul Wallenberg was alive in Lubianka and Lefortovo prisons between 1945 and 1947. This evidence led to renewed Swedish pressure on the Soviets to explain Raoul Wallenberg's fate. The Soviets responded by producing something that fit with the evidence of the released prisoners.

It was not unusual for the Soviets to fabricate death stories about prisoners. In February 1943, Maksim Litvinov, Soviet Ambassador to the United States, told Americans who had been inquiring about Soviet prisoners Henryk Ehrlich and Victor Alter that on 23 December 1941, the prisoners had been executed

⁹ Soviet International Joint Commission on the Fate and Whereabouts of Raoul Wallenberg, *Principal Findings One and Two*, 5 September 1990.

for treason. In fact, Ehrlich committed suicide on 14 May 1942. Alter was not executed until 17 February 1943.¹⁰

The Vyshinsky note and the Gromyko memorandum became the basis for continuing lies by the Soviet apparatus until the arrival of Interior Minister Vadim Bakatin in 1991. For instance, the Soviet Ambassador to Stockholm, Rodionov, by report dated 5 August 1953, stated that earlier information in the case was confirmed and that all suggestions that Raoul Wallenberg had ever been in the Soviet Union were "baseless."¹¹ Between 1947 and 1957, there were many such statements by Soviet officials standing behind the Vyshinsky note. Similarly, from 1957 to 1991, many statements continued to endorse the Gromyko memorandum.

The Soviet drafting that preceded both the Vyshinsky note and the Gromyko memorandum made no attempt to set out the truth. Both the Vyshinsky note and the Gromyko memorandum are exercises in fabrication. They are attempts to spin stories with three objectives: the invented stories had to conform as closely as possible to what the Swedes knew; Raoul Wallenberg had no longer to be alive; and the Soviets, at least those still living, had to be blameless.

Aside from the invented stories of 1947 and 1957, there is a history of removing traces of Raoul Wallenberg's stay in prison and intimidation of witnesses. References in prison interrogation, transfer records and KGB entries in a registration ledger have been thickly inked out. The ink was manufactured after 1948. Modern techniques have made it possible to read what is written underneath the ink. Personal files have disappeared.

Raoul Wallenberg's cell mates from 1945 were interrogated in late July 1947. They were asked for the names of people to whom they had spoken about Wallenberg. They were subsequently jailed in isolation from the general prison population.

In October 1989, the Soviets handed over Raoul Wallenberg's personal effects, including his diplomatic passport, prison register card, foreign currency and date book to the Wallenberg family. The explanation was that they were discovered in the basement of the KGB headquarters in Lubyanka prison during a reorganisation of the KGB records. The articles were contained in a parcel that had fallen from a top shelf.

It is hard to believe that information about Raoul Wallenberg, one of the most notable prisoners ever held in the Gulag, and about whom so many inquiries had been made, would be stored in such a haphazard manner—that archivists would not have known of its whereabouts at all times. This form of storage was contrary to the rules, regulations and practice of storage and filing the Soviets systematically followed.

¹⁰ Sudoplatov, *supra* note 7 at 290.

¹¹ Swedish Government, *White Paper on Raoul Wallenberg* (1966) at 11 (English translation).

The Soviets kept separate files for a prisoner's passport, registration card, money, and personal belongings.¹² Raoul Wallenberg's diplomatic passport, prison register card, foreign currency, and date book that were returned to his family in 1989 should have come not from a single file that tumbled off a top shelf, but from four separate files that had been shelved according to category.

Many of those who presented the personal effects of Raoul Wallenberg in 1989 are the people who presently remain in charge of the Russian Raoul Wallenberg dossier. It is difficult to give credence to modern Russians claiming to have done all they can to uncover the truth when they maintain that they just stumbled across Wallenberg's personal effects.

B. The Russians

I visited Russia in pursuit of the Wallenberg project between 3 March and 9 March 1997. During that time, I met Russian government officials, Russian non-government researchers, and foreign researchers.

The Russian officials I met were: Konstantin Kosatchev, Head of the Finnish and Swedish Section; Andrew Zikeyev, Attaché, Second European Department; and Teimouraz Ramishvili, Head of the Department of International Humanitarian Cooperation and Human Rights of the Foreign Ministry. The non-government Russian researchers I met were: historian, Dr. Lev Besymenski; Vyacheslav Nikinov, who had worked for Interior Minister Vadim Bakatin on Wallenberg; Yuri and Ljuba Savienko of the Independent Psychiatric Association of Moscow; and Elena Kudriakova, an independent researcher on migration issues. I had additional telephone meetings with Alexi Kartsev, a Russian journalist who had written on Wallenberg, and Nikita Petrov, a member of Memorial and a former member of the Presidential Commission on Soviet Archives headed by the late Dmitri Volkogonov. The non-Russian researchers I contacted were: Swedish Ambassador Martin Hallqvist; and Guy von Dardel, Marvin Makinen and Susan Mesinai, to whom I spoke while they were attending at Vladimir prison.

Mr. Kosatchev informed me that the former Russian head of the Working Group, Viktor Tatarintsev, had been posted as Russian Ambassador to Sweden and no one had yet been appointed to replace him. Mr. Kosatchev, was coordinating matters until a replacement was named.

The Russian Working Group consisted of four people—one who would replace Mr. Tatarintsev and three others who held their positions on the Working Group because of their functions. They were: Mr. Vinogradov of the FSB Archives; Mr. Nikishkin of the Ministry of Interior Archives; and Mr. Filipov of the Ministry of Defence Archives. Mr. Kosatchev did not believe that I should

¹² Soviet International Joint Commission on the Fate and Whereabouts of Raoul Wallenberg, *Principal Findings Eight and Nine*, 5 September 1990.

meet with these other people and, in fact, I did not. Mr. Kosatchev viewed my meeting them as they were in possession of confidential information that would be inappropriate for them to disclose.

Mr. Kosatchev further stated that he viewed the Wallenberg investigation as a bilateral matter between Sweden and Russia. He contrasted the time of Bakatin, who was Minister of the Interior between August 1991, and the break-up of the Soviet Union in December 1991, when documents flowed freely from the Soviet archives, to the present time. To Mr. Kosatchev the reason for the difference was that the 1991 period had been one of lawlessness. The present time was a legal period. In particular, there were laws now about privacy and security which meant that legally documents could not flow as freely as they once had.

Mr. Ramishvili monologued at length on why present Wallenberg research efforts were a wild goose chase. He enthused that the few tentative opinions I expressed were neither serious nor professional. He viewed the Wallenberg search as a make-work project fabricated by researchers with nothing better to do. Further, he soliloquised that this effort which he considered so pointless had been allowed to continue because of his good graces. However, his had its limits.

All of the non-governmental Russian researchers with whom I spoke gave me the same message. They received no cooperation from Russian archival officials, and I should expect none.

Elena Kudriakova suggested to me that it was simply impossible for an independent researcher to walk into the FSB archives and expect access to anything. There are some researchers working with FSB archives, but they had approved programs of work authorised by established Russian institutes. Even those researchers did not have access to the archives. The archives were kept in closed stacks. Instead, researchers told the FSB archivists what they wanted, and the archivists might produce the materials requested.

Although Elena Kudriakova is not a Wallenberg researcher, Lev Besymenski is. He has personally experienced the roadblocks Russian FSB archivists have placed in the way of independent researchers. He suggested that there might be some FSB cooperation in an archival search for Wallenberg materials if the Government of Canada made a formal request. If the request was approved, Canada could then designate who its researchers would be.

For every foreign prisoner held at Vladimir prison, the Soviets kept three parallel files: a personal file, an operative file, and an investigative file. Researchers visiting Vladimir prison in September 1990, found that foreign prisoner files had been transferred to the KGB archives in Moscow.¹³ Gaining access to these archives is crucial for Wallenberg research.

¹³ Soviet International Joint Commission on the Fate and Whereabouts of Raoul Wallenberg, *Principal Findings Six and Seven*, 5 September 1990.

Vyacheslav Nikinov, who produced so much about Wallenberg and others during the time of Bakatin, explained to me the techniques he and Bakatin used to obtain information they wanted. One story that illustrates their manner of operation is that of Alexander Solzhenitsyn—about whom Bakatin also wanted to release information. The chief KGB archivist at the time said that the KGB had nothing about Solzhenitsyn in their files. Bakatin fired the archivist. The second in command said the same thing and was also fired. It was only after these two dismissals that Bakatin got the information that was indeed in the archives.

What was distinctive about those days was that Nikinov and Bakatin were not just researchers, but were people in authority who used that authority to aggressively seek out material rather than hide it or do nothing. It was clear to Nikinov no comparable situation would be found today. He offered two explanations for the shift.

One explanation involves the deconstruction of power. Ambassador Hallqvist pointed out that President Boris Yeltsin had promised Russian cooperation in the search for Wallenberg. I reminded Nikinov of that promise. Nikinov observed that Yeltsin says all sorts of things that disappear into thin air—not because of hypocrisy on his part, but because the institutional mechanisms to translate the will of the President into action have disintegrated. Each bureaucracy has become a power unto itself, doing what it wants rather than what the President wishes.

The second explanation is the backlash against Bakatin. Within the FSB Bakatin is widely regarded as a traitor. Recently published KGB memoirs all denounce Bakatin. The turning point was not the revelations about Wallenberg, but rather the disclosure of bugging the American Embassy—something espionage officials believe should never have been disclosed. The backlash means that the aggressive search for and disclosure of information in security files which Bakatin led are actively discouraged.

Research into psychiatric institutions was left to private researchers who ran into a Russian brick wall. Yet, that research may well bear fruit. For instance, the Swedish doctor Nana Swartz understood the Soviet cardiologist Alexander Miasnikov to have told her that Raoul Wallenberg was in a mental hospital in Moscow. There was information from other witnesses to the same effect.

Yuri and Ljuba Savienko of the Independent Psychiatric Association of Moscow informed me that their association had formed a committee to look for Raoul Wallenberg. Their search was at the request of Guy Von Dardel, and was financed by a grant from Tetra Pak, a Swedish firm.

The Psychiatric Association Committee visited a number of psychiatric institutions that had housed political prisoners during the era of the Soviet Union. The Committee went through the records of these institutions looking for an indication that Raoul Wallenberg might have been there. However, access was barred to the records of Kazan Mental Hospital in Tartarstan. Kazan was

the psychiatric hospital with the largest number of political prisoners—the hospital that was most likely to have housed Wallenberg. They had received permission to access the records from the Chief Psychiatrist of the Ministry of Health. However, for the head of Kazan, that authority is insufficient. He required authority from someone higher up in the chain before he would permit access.

The Savienkos traced the decline from the days of Bakatin's cooperation with Russian officials in the search for Wallenberg to the war in Chechnya. The human rights violations committed by the Russian government during the war in Chechnya were condemned by human rights organisations both within and outside Russia. The result was a breakdown in relations between the Russian government and human rights organisations. Since the war, the Russian government has been less willing to cooperate with human rights organisations, including archival research concerning Wallenberg.

Alexander Kartsev said that figuring out what may be found in FSB archives is difficult. There are no published indices. When archivists do not wish to disclose something, they do not say that they have it and will not disclose it, but rather state only that they do not have it. One can surmise that certain documents must exist, but periods of document destruction have made it difficult to ascertain which documents have survived these destructive binges. The document destructions are themselves poorly documented. Kartsev surmised that there would at least be undisclosed records in FSB archives from the period when Wallenberg was in Hungary as the KGB would have had reporting agents in Hungary at the time. Such documents would not likely have been destroyed—yet they have not been disclosed.

The discouraging behaviour of archivists was confirmed by Anatoly Prokopenko, former Director, Special Archives of Moscow in an article in *Izvestia* of 25 September 1997. Prokopenko wrote that some of the files that the Swedish Working Group had asked for and been told by Russian archivists could not be found he had personally seen. One example he gave was the file of Count Tolstoy-Kutusov.

Count Tolstoy-Kutusov worked at the Swedish Legation in Budapest when Raoul Wallenberg was there and was later identified as a Soviet agent. Before publication of the Prokopenko article, the Swedish Working Group had asked Russian archivists for their file on the Count and were told it could not be located. Following publication of the Article, the Swedish Working Group again asked for the file on Count Tolstoy-Kutusov. This time it was made available.

Nikita Petrov told me that the Presidential Commission on Soviet Archives headed by the late Dmitri Volkogonov, made a tentative recommendation that the KGB and Presidential archives be transferred to the State archives where they would be organised and accessible to researchers. However, after lobbying from FSB officials, the recommendation was dismissed. The issue of what to do with the Presidential and KGB archives was left unresolved. Petrov's practical

experience as a member of Memorial seeking access to the archives for work about Wallenberg was that officials gave him absolutely no cooperation.

From the foreign researchers in Moscow, Ambassador Hallqvist, Guy von Dardel, Marvin Makinen and Susan Mesinai, I heard about the Vladimir saga. Vladimir is a place in which Raoul Wallenberg was likely to have been detained if he survived beyond 1947. If Wallenberg was in Vladimir from 1947, he would have been detained in a cell without another prisoner—a single cell—and not under his own name. Marvin Makinen had proposed going through all the records of Vladimir from 1947 to 1972, to identify cells housing only one prisoner.

When the group arrived in Vladimir, access was denied. Apparently, there had been a change in the chain of command since the original permission had been granted. Prison officials wanted new written permission before they would grant access. As a result of representations made by Ambassador Hallqvist to the Foreign Ministry, prison officials relented to an extent. Access would be allowed, but photocopying of prison cards, for which permission had previously been granted, would be forbidden. Photocopying was necessary to enable researchers to enter data from the cards into a computer for later analysis. The number of relevant cards was close to 100,000. It was impossible, within the time available, for researchers to enter so much information on computers. Photocopies of the cards were necessary so that the data could be entered into computers over time.

Russian officials gave privacy as their reason to forbid photocopying was privacy concerns — the permission of those named in the cards, or their relatives, had to be sought before photocopying could be permitted. In protest against the refusal to allow photocopying, the foreign research group and their Russian Memorial colleagues left Vladimir with the work incomplete.

In advance of the March 1997 trip to Vladimir, Marvin Makinen and Susan Mesinai had requested files for 83 gulag prisoners who had given testimony about Raoul Wallenberg, to assist in verifying their testimony. Of the 83 files requested, only 15 were released—some of which had been previously disclosed in September 1996.

In January 1998, the Russians relented, allowing records to be photocopied and giving access to some 100 files. Analysis of the photocopied records and the investigation of the accessed files is now under way.

Such incidents illustrate that the cooperation of Russians with the Swedish Working Group has been less than fulsome. Independent researchers operating outside the umbrella of the Swedish Working Group, have been stonewalled. Dr. Lev Besymenski, Yuri and Ljuba Savienko of the Independent Psychiatric Association of Moscow, Arseni Roginsky of Memorial, journalist Nikita Petrov, and Vadim Birstein, have all had their work completely frustrated by Russian officials.

Marvin Makinen, although not pleased with these developments, had an explanation for them. It was not very long ago that officials could be executed

for revealing the information sought by his working group. Even today, officials can be fired for indiscretions. The Soviet tradition revolved around secrecy, not openness. Ambassador Hallqvist had his own explanation for the change from the days of Bakatin—the shift in Russian politics. This was also the explanation given to me by the late Lars-Åke Nilsson, then Swedish Ambassador to London. Wallenberg research is seen by the Russians as a facet of diplomatic relations with the West. Disclosure of Wallenberg documents flourished at a time when Russian relations with the West were warm. The eagerness to cooperate on Wallenberg research waned as Russian relations with the West cooled. Now, politically, in Russia it is not considered politically astute—not in Russia's best interests—to be too friendly with the West. This cooling has impacted every aspect of Western-Russian relations, including Wallenberg research.

Since the days of Bakatin, there has not been any independent effort or initiative by the Russians to find out what happened to Wallenberg. Russian officials today are far from being the driving force in Wallenberg research. The recent Russian official effort has been one of going along, less than wholeheartedly, with the Swedish effort.

The Russian Working Group appeared willing to cooperate with only the Swedish Working Group. As I wrote, I could not meet with any of its members. The chair had resigned and others were inaccessible.

If the Russian Working Group was not totally passive, its activity paled in comparison with the activity of the Swedish Working Group. The Vladimir incident was telling. The Vladimir research taking place the week I was there brought together three of the five members of the Swedish Working Group, in addition to a number of associated independent researchers. Although the research was on Russian soil, none of the members of the Russian Working Group were participating.

Official Russian cooperation will be satisfactory only when every qualified researcher who is doing work on Wallenberg, whether associated with the Swedish Working Group or not, is satisfied. For now, that is far from being the case.

In one sense, it may not matter with whom Russian officials cooperate, as long as they cooperate with someone. The truth about Wallenberg, even if told to only one person, can be spread around the world.

In another sense, it matters very much who it is that Russian officials choose to assist. Despite the time and effort the Swedish Working Group spent on their Wallenberg file, which is substantial, they do not have the final answers. More work, other work has to be done. Russian cooperation with the Swedish Working Group has not necessarily meant cooperation with this other work.

Furthermore, any research benefits from a variety of approaches. The truth in any area of research is best found by different researchers trying different techniques to get at the truth. Russian officials, in cooperating with only researchers working through the Swedish Working Group, have closed off this

variety of approaches.

To be convincing, research must be verifiable. That means not only producing the documents on which the Swedish Working Group relied, but also replicating the access that it has had.

III. SWEDISH DILIGENCE

GIVEN HIS FAME, SURPRISINGLY little is known about the life of Raoul Wallenberg. Much has been written about the six months of Raoul Wallenberg's time in Hungary, from July 1944 to January 1945. Aside from those six months, there is almost nothing that one can say with certainty about him.

Before it was ever decided that Raoul Wallenberg would go to Hungary on his heroic mission, he had been given a special passport issued by authority of the Swedish Cabinet. The passport stamps show he used the passport extensively to travel throughout Central and Eastern Europe. Why was this passport issued? What was the purpose of these trips?

The date book Raoul Wallenberg kept before the war was stolen from storage after the war. The date book was never recovered. What was Raoul Wallenberg doing before he went to Hungary?

Why was he chosen? How was he chosen and by what process? What was he asked to do? Was he sent to save Jews, or sent to save associates of Swedish business interests in Hungary? Were his efforts to save Jews his own initiative using the techniques he had learned to save others? The answers to these questions are now as much a mystery as the answer to the question of what happened to him. Indeed, part of the answer to the question of his fate in the Soviet gulag may well be wrapped in the answers to these other questions.

Swedes both in private and public life, including some members of his own family, did little to help rescue him in the first years of his capture, when he was likely still alive. Was Swedish lethargy a consequence of the fact that Raoul Wallenberg went beyond his original mission and ended up hurting rather than helping Swedish interests?

The Swedish government has failed to do all that it could to help Raoul Wallenberg. There was continued insistence by Staffan Söderblom, the Swedish Ambassador to Moscow, that Raoul Wallenberg died of an auto accident in 1945, even though Söderblom had received information to the contrary from the beginning.

Soviet Deputy Foreign Minister Vladimir Dekanozov sent a message to the Swedish Embassy in Moscow on 16 January 1945, that Raoul Wallenberg had been found and was in the care of Russian troops in Budapest. Ambassador Söderblom seemed aware of the detention of Raoul Wallenberg in February 1945. On February 14 he sent a telegram to the Swedish Foreign office, suggesting that Raoul Wallenberg and other members of the legation be instructed to take up contact with the new (Communist) Hungarian government. He wrote "some

information of this kind seems even more suitable [for Wallenberg] since Wallenberg probably has not gotten the least sign of life from home."

The Swedish Foreign Office rejected the suggestion, stating by return telegram of 17 February 1945: "If you can get connection with Wallenberg ... transmit our thanks and best wishes from the family and the information that instructions will be given when Danielsson has been found." Carl Ivan Danielsson had been the Swedish Minister to Hungary.

Alexandra Kollontay, the Soviet Ambassador Sweden, told Ingrid Günther, the wife of Swedish Foreign Minister Christian Günther, shortly after Raoul Wallenberg's arrest that Raoul was safe in Moscow and would be back. She added that it would be best if no fuss were made about the matter.¹⁴

Despite all this information, Ambassador Söderblom reported to Stockholm on 19 April 1945, that:

the Russians will be unable to discover what happened to Raoul Wallenberg, that it was possible, in the event of his having been involved in a fatal car accident or murdered ... that Raoul Wallenberg has disappeared without a trace.

In response, the Foreign Ministry in Stockholm instructed Ambassador Söderblom to call on Soviet Deputy Foreign Minister Dekanozov to ask the Soviets to take urgent action to find Raoul Wallenberg. Ambassador Söderblom did so, on 24 April 1945, but in handing over the letter of request to Dekanozov, Söderblom stated that he presumed that Raoul Wallenberg died in a car accident.

An American telegram sent 20 September 1945 to the embassy in Moscow from Dean Acheson, Acting Secretary of State in Washington states that the Swedish Foreign Office "has obtained from reliable Hungarian source information Raoul Wallenberg still alive." The telegram says further, in a portion that has a line through it, that the Swedish Foreign Office "feels that even if the info is true the Soviets will never produce Wallenberg alive."

Ambassador Söderblom met Josef Stalin about Raoul Wallenberg on 13 June 1946. Despite what the Swedish Foreign Office told the Americans they thought they knew, at the meeting between Söderblom and Stalin, Söderblom expressed his personal conviction that Raoul Wallenberg had fallen victim to an accident or had been kidnapped. He accepted that the Soviet authorities had no information on Raoul Wallenberg's fate.

The Swedish legation in Moscow in 1945, actively discouraged the American legation from helping to find out what happened to Raoul Wallenberg. The American Ambassador to Moscow, Averell Harriman, sent a telegram to the Secretary of State in Washington D.C. on 12 April 1945, stating:

[t]he Swedes say that they have no reason to think that the Russians are not doing what they can [about Raoul Wallenberg] and they do not feel that an approach to the Soviet Foreign Office on our part would be desirable.

¹⁴ See Lester, *supra* note 6 at 13.

Ulf Barck-Holst, Chargé D'Affaires in the Swedish Embassy in Moscow after Söderblom, found that whenever he raised the question of Raoul Wallenberg with Soviet officials, the Soviets continually raised the names of those they wanted from Sweden. The Swiss,¹⁵ Italians, and Danes had all got back diplomats by giving Russians in exchange. The Swedes had Russian spies in their control and did return them eventually to the Soviets, but asked for nothing in return.

Östen Undén was then Swedish Foreign Minister. When Per Anger, one of Raoul Wallenberg's colleagues at the Swedish legation in Budapest, asked Undén why Sweden did not ask for Wallenberg in exchange for Russian spies returned to the Soviets, Undén replied only that, "[t]he Swedish government does not do such things."¹⁶

Bernhard Rensinghoff, a German imprisoned with Raoul Wallenberg in Lubianka, testified on his release that Raoul Wallenberg discussed his interrogations with Rensinghoff. At one interrogation session in Lefortovo prison just before Wallenberg was moved back to Lubianka, the interrogating commissar told Wallenberg that the best proof of his guilt was the fact that neither the Swedish Embassy in Moscow nor the Swedish government had done anything on his behalf. If the Swedish government had been interested, they would have been in contact a long time ago. While this statement is no proof of what the Swedes did or did not do, it illustrates the use to which Swedish inactivity was put, and the value that Swedish activity would have had in freeing Wallenberg.

In the summer of 1955, the Soviet Embassy Counsellor in Ankara, Turkey, Pavel Erzine, attempted to arrange discussions between the Soviet leadership and the Swedish Prime Minister Tage Erlander about the possibility that, "they [the Soviets] will repatriate him [Raoul Wallenberg] if he is still alive." Erzine used the Finnish Diplomat Åke Frey, stationed in Ankara, as an intermediary. When Frey returned to Helsinki, Finland, in November 1956, Soviet contacts continued through Viktor Vladimirov, a second secretary at the Soviet Embassy in Helsinki. Sverker Aström for the Swedish Foreign Office refused to have the Swedish government enter into the informal discussions.¹⁷

In 1964, the Soviets suggested a prisoner exchange of Raoul Wallenberg for a Soviet spy detained by Sweden, Swedish Air Force Colonel Stig Wennerström. The Swedish government rejected the idea of an exchange. There were no negotiations. There was total inactivity and disinterest in using this oppor-

¹⁵ For the Swiss, see G. Barany, "The Current Stage of Research on Raoul Wallenberg" in R. Braham and A. Pók, ed., *The Holocaust in Hungary: Fifty Years Later* (New York: Columbia University Press, 1997) at 580.

¹⁶ Lester, *supra* note 6 at 134 and 135.

¹⁷ P. Peltoniemi, *Suomi sai salaviestin Wallenbergistä (Finland got a secret message about Wallenberg)* Helsinki: Sanomat, 1997) (translation by author).

tunity to pursue the fate of Raoul Wallenberg.

Susanne Berger, a German independent researcher on the Wallenberg case who lives in Washington, D.C., in an article published in a Swedish newspaper in the fall of 1997, wrote: [Translation]

Sweden also essentially ignored many of the witness testimonies which indicate that Raoul Wallenberg might have survived beyond 1947. In many cases testimonies sat on official's desks for years without actions being taken until the witness died. The examples are too numerous to cite here in detail...¹⁸

I was in Riga on 15 November 1996, to meet Hans Magnusson, the Head of the Swedish Working Group on Raoul Wallenberg, who is also the Swedish Ambassador to Latvia. I was in Stockholm the week of 12 January 1997, and met with colleagues of Hans Magnusson in the Swedish Working Group, Martin Hallqvist, Lage Olsen and Guy von Dardel. Martin Hallqvist is an Ambassador in the Division for Central and Eastern Europe of the Swedish Ministry for Foreign Affairs. Lage Olson is a Counsellor for Strategic Export Control, also in the Swedish Ministry for Foreign Affairs. Guy Von Dardel is Raoul Wallenberg's brother. I also saw in Stockholm that week: Susanne Berger; Per Anger, one of Raoul Wallenberg's colleagues at the Swedish legation in Budapest; Sonja Sonnenfeld of the Raoul Wallenberg Institute; Daniel Backman of the Ministry of Foreign Affairs archives, and; Pentti Peltoniemi, a Finnish journalist doing research on the Finnish connection through Diplomat Frey to the Wallenberg case.

I found every member of the Swedish Working Group to be personally open and accessible. The same could not be said for the Swedish archives. Not all Swedish archival documents about Raoul Wallenberg are available. The Swedish government has major collections of material in its Foreign Office (UD) archives and in its Security Police (SÄPO) archives. The Foreign Office archives have been largely disclosed. The Security Police archives were off limits to researchers until September 1997. A study of those archives in September 1997 shows them to be incomplete, with several crucial omissions. The omitted material is presumably in files not yet disclosed to researchers.¹⁹

Swedish Cabinet level documents, as a rule, are disclosed after 40 years. However, some documents are considered so sensitive that they are not disclosed even after the 40 year period has passed. For instance, Swedish government cabinet documents refusing the 1964 proposed Wallenberg/Wennerström exchange are still undisclosed.

The Swedish Working Group fell victim to inordinate delay caused by exaggerated deference to Russian non-disclosures or lags in disclosure. Other than conducting interviews, the group neither engaged in research nor contracted

¹⁸ "Alla dokument måste fram i ljuset" *Dagens Nyheter* (11 May 1997).

¹⁹ S. Berger, *Raoul Wallenberg File*, SÄPO: *Preliminary Report* (8 October 1997).

research. In particular, group members did not themselves conduct archival research nor arrange for it to be done by anyone else.

At the end of the day, the work of the Swedish Working Group has to be judged on content and process. While their personal openness was commendable, archival restrictions were not. Further, seven years is far too long to complete their work. The work has not been given the urgency nor the priority Raoul Wallenberg deserves.

IV. ARCHIVAL RESEARCH

THERE IS NEED FOR FURTHER archival disclosure not only in Sweden and Russia, but also in the United Kingdom, United States, Hungary, Germany, Israel, and the United Nations in New York. Generally, security service information about Raoul Wallenberg in all countries has been accessible with difficulty, if at all. All of the security services suffer from an institutional bias to secrecy that hinders research into the fate of Raoul Wallenberg.

A. The United States

In the United States, there is an outstanding *Freedom of Information Act* request made for blacked out sections of Central Intelligence Agency (CIA) documents released in December 1993. Answers to U.S. *Freedom of Information Act* requests have been known to take up to six years.

The CIA has, as well, information yet to be disclosed about the American War Refugee Board, the Office of Strategic Services (OSS) in Hungary, and about Iver Olsen, the Swedish representative of the War Refugee Board. Olsen was an agent of the OSS in Hungary attached to the U.S. Embassy.

The U.S. government has refused a *Freedom of Information Act* request made by Susanne Berger for documents about Greville Wynne. Greville Wynne was a British spy sentenced by the Soviets in 1963 to eight years in prison, but then exchanged a year later for a Soviet spy, Konon Molody. John Bierman recounts²⁰ that Wynne recalled in 1980 (presumably to Bierman) an exchange in Lubyanka prison in 1963, with a prisoner who identified himself as Swedish. Once Wynne returned from the Soviet Union in 1964, he would have been debriefed by the British government and that debriefing information presumably would have been passed on to the United States government. That debriefing may contain more detailed information about the Wynne/Swedish prisoner conversations. Susanne Berger has appealed the *Freedom of Information Act* refusal.

²⁰ J. Bierman, *Righteous Gentile* (New York: Viking, 1981) at 173.

B. United Kingdom

I wrote to the United Kingdom Office of the Public Service in December 1996, under the U.K. *Code of Practice on Access to Government Information*. I asked for:

- a) information in their records about Raoul Wallenberg;
- b) the impact of activities of the Wallenberg companies during World War II on the mission of Raoul Wallenberg in Budapest, Hungary;
- c) any link between Raoul Wallenberg and the Wallenberg companies on behalf of the Allies;
- d) British discretionary oversight related to the activities of the Wallenberg companies during World War II, World War II Ministry of Economic Warfare files related to both Sweden and Hungary; files about either Sweden or Hungary under the classification "Safe Haven: Neutral Trade Department";
- e) Debriefings of Greville Wynne; records of conversations and memoranda between Winston Churchill and Franklin Delano Roosevelt relating to Raoul Wallenberg or to the mission of Raoul Wallenberg in Budapest;
- f) The C Bureau Allied Swedish network during World War II involving Lieutenant William Denham;
- g) Allied mission to Hungary involving a separate peace with the Allies that mention either Raoul Wallenberg or Per Anger;
- h) A "liquidatsia" request for Raoul Wallenberg in files relating to KGB defector Oleg Gordievsky. There was a request about Wallenberg in 1947, for what was called a "liquidatsia." Soviet Deputy Foreign Minister Andrei Vyshinsky wrote to Vyacheslav Molotov, Vice Chair of the Council of Ministers and Deputy Prime Minister, by memorandum dated 13 May 1947, to prevail upon Viktor Abakumov, Chief of Smersh Military Counter Espionage, to report on the substance of the case and propose its settlement. The Russian word used for "settlement" was "liquidatsia."

The reason why some of the information was requested is self evident. Other requests may need explanation.

This request has been interpreted in a variety of ways: as a request to liquidate Wallenberg, a request to obliterate all traces of Wallenberg in the Soviet records, or a request to clear up the case of Raoul Wallenberg by answering Swedish government requests about him. Information the British obtained from KGB defector Gordievsky may include details of this "liquidatsia."

There is, of course, no end to theories about Wallenberg—what happened to him and why. The only answer to all of the theories can be found in hard facts. Because some of the theories revolve around what Wallenberg was doing for whom before he was captured, the facts that must be ascertained include those about his activities before he was captured.

Some information requested was directed toward ascertaining these sorts of facts. Raoul Wallenberg's disappearance and the half-hearted efforts of the West to have him released are a downward trajectory which can only be explained by the upward trajectory before his capture.

The *U.S. News and World Report* published an article on 13 May 1996, suggesting that Raoul Wallenberg was operating as an American spy in Budapest under Swedish Consular cover. In one sense, whether Wallenberg was a spy or not may not matter, since the paranoid Stalinist system of the Soviet Union after the War would have thought him a spy, regardless.

If Wallenberg was in fact a spy, the West may not have put a great deal of effort into having him released because this would have acknowledged the extent of Wallenberg's complicity in the West's intelligence activities.

Lieutenant William Denham was part of an Allied Swedish intelligence network during World War II. Denham, himself, left Sweden before Raoul Wallenberg went to Budapest. If Wallenberg was doing intelligence work for the Allies, his name and his work would presumably surface in network files.

The Wallenberg family companies were involved in supplying the Nazi war effort.²¹ An obvious line of inquiry is the connection between Raoul Wallenberg's involvement with the Allies and the involvement of other family members with the Axis. Was Raoul Wallenberg's involvement with the Allies some form of *quid pro quo* from the family?

After the War broke out Raoul Wallenberg's cousin, Marcus Wallenberg, became head of the Swedish Trade Mission to Great Britain. Jacob Wallenberg, Marcus' brother, became Head of the Swedish Trade Mission to Nazi Germany. Was Raoul Wallenberg's involvement in Hungary part of a Wallenberg family effort to maintain overall neutrality by helping all sides at once?

The Swedish government and particularly the Wallenberg cousins had economic interests in Hungary which the mission of Raoul Wallenberg, an attempt to save Swedish associates in Hungary, initially supported. However, Raoul Wallenberg went far beyond protecting Swedish business associates. From the Swedish and cousins' perspective, by going overboard, did Raoul Wallenberg hurt rather than help the Swedish and the family business interests? Was it potential harm to business interests that made the cousins and the government of Sweden so complacent in attempting to determine Raoul Wallenberg's fate and whereabouts? Several of the records requested may reveal information that would answer these questions.

British intelligence in Europe during the War was sophisticated and detailed. Although the position of Raoul Wallenberg in Budapest was financed by the War Refugee Board, an American entity set up by executive order of President Roosevelt to save potential victims of Nazi persecution, the functioning of Wallenberg in Budapest must have inevitably appeared in British war-time records. Such records need to be made public if we are to fully understand the fate and whereabouts of Raoul Wallenberg.

Kate Crowe, Open Government Enquiry Unit, Foreign and Commonwealth

²¹ Lester, *supra* note 6 at c. 4.

Office, United Kingdom, by letter dated February 1997, wrote to tell me that security and intelligence agencies had searched their records in response to previous requests for information about Raoul Wallenberg and the records contain nothing that is not already known. The implication of the letter from Ms. Crowe is that the records do contain information about Raoul Wallenberg, but in the judgment of the security and intelligence agencies, that information is already known. The statement prompts three responses.

This first is to ask what possible objection there could be from the security and intelligence agencies to the release of information in their possession if that information is already known? Presumably, the reason why security and intelligence agencies refuse to disclose information is so that secrets can be maintained. However, if there is no secret to be kept, there is no justification for the refusal to disclose.

The second is to request the opportunity to allow independent Wallenberg researchers to make their own judgements as to whether or not such information about Raoul Wallenberg is already known. Two different documents containing the same general information may have slight variations, which to a trained researcher, would be fraught with significance. It is unreasonable to ask the public simply to accept an official judgment that information behind closed doors is already known, and not allow independent researchers to make that judgement themselves.

The third is to point out the difficult nature of Wallenberg research. The activities of Raoul Wallenberg in Budapest during World War II, and his fate immediately after the War, are generally of greater interest now than they were previously. In retrospect, one can say that Raoul Wallenberg was one of the great heroes of the twentieth century—the paradigmatic human rights activist—and his disappearance one of the great crimes of this century.

At the time, however, his feats were not public. Even the Holocaust itself, while it was being perpetrated, was little known, covered up or wilfully ignored across the globe. An awareness of the heroics of Wallenberg at the time he was accomplishing them would have meant a full awareness of the Holocaust. Given the blind eye the world turned to the Holocaust while it was being perpetuated, Wallenburg's efforts to save people made no contemporaneous general impression.

Refusal to confront the horrors of the Holocaust did not cease with the end of World War II. It was years before the full scope of the tragedy sunk into public consciousness. Indeed, one can say that even today we have not fully grasped the enormity of the evil of the Holocaust and are still attempting to do so. Confronting the Holocaust has been a gargantuan effort, a work of years, even decades.

Furthermore, the anti-semitism that led to the Holocaust, while it manifested itself in its most virulent form in Nazi Germany, was part of the then global popular culture. Global anti-Semitism did not end with the defeat of Nazi

Germany. It continued in mitigated form and only slowly dissipated as older people with fixed anti-Semitic biases were replaced by a new generation, and as the awful consequences of anti-Semitism became fully known. Post-war anti-Semitism and the Holocaust were in a tug of war. Anti-Semitism was generating resistance to face the Holocaust or minimising its significance, while knowledge of the Holocaust was generating opposition to anti-Semitism and racism and promoting respect for human rights values. From modern perspective one can say that it is knowledge of the Holocaust that won this struggle. However, in the early years after the War, it was polite and vestigial anti-Semitism that had the upper hand.

It was in Nazi Germany that eliminationist anti-Semitism, the notion that Jews must be killed, was most prevalent. Elsewhere, including among the Allies, social anti-Semitism, the notion that Jews were different, that their fate was not as important as the fate of others, was pervasive.

For Raoul Wallenberg this meant his feats during the War passed with little notice at the time he accomplished them. After the War, his disappearance seemed of little importance to the public in general and Allied officials in particular. The enormity of the crime against him and the enormity of the crime against humanity by his enforced disappearance, only became apparent years after the War when the full shock and horror of the Holocaust registered.

Consequently, it is unreasonable to expect to find a Raoul Wallenberg file in British security and intelligence archives that would set out exactly what he was doing during the War and what may have happened to him. As surprising as it may seem today, the efforts of Wallenberg during the War and his fate after the War, did not seem important enough to British security and intelligence at the time to justify separate tracking of his activities and fate.

The result is that, in all probability, there is no separate Raoul Wallenberg file that one can pull off the shelves of British security and intelligence services. What information there would be in security and intelligence files about Raoul Wallenberg would likely be buried in other files, files about British-Russian relations, British-Hungarian relations, trading with the enemy files, Swedish undercover operative files and so on. Doing a thorough and proper search of British security and intelligence files for information about Raoul Wallenberg would be a time consuming task requiring the attention and knowledge of experts in the field.

I have no reason to believe that this mammoth task has ever been undertaken. My impression is that British security and intelligence archivists have cast a cursory glance at the most obvious sources of information, found little or nothing, and left it at that.

What needs to be done is more than garner the bland assurances of professional security and intelligence archivists. Expert Wallenberg researchers need access to security and intelligence files to comb through them for relevant information. This, to my mind, can be done in one of two ways.

One is for the British government to commission research on its security and intelligence files. Commissioned researchers would have access to all security and intelligence files without restriction, and authority to release all Wallenberg information publicly.

The other is to allow unrestricted, open-stack access of security and intelligence files for any qualified private Wallenberg researcher, subject only to a confidentiality undertaking. The undertaking would be not to disclose any information obtained through this research that was irrelevant to the Wallenberg case.

This has all been communicated to the United Kingdom government. The government simply stated in a letter of reply dated 6 May 1997, that it is the long-standing policy of the government not to grant access of this sort to their records.

Though responsibility for the disappearance of Raoul Wallenberg must rest squarely on the shoulders of the Soviet Union, responsibility for discovering what happened to him rests on the global community. Governments of other countries are ill-placed to press the Russian government to disclose information in Russian files about Raoul Wallenberg if these other countries do not disclose information in their own files.

The Russian excuses for non-disclosure based on security or private concerns can hardly be countered as long as other governments refuse to disclose what information they have about Raoul Wallenberg. Full disclosure by other governments with regard to the information in their files about Raoul Wallenberg is necessary to not only to shed light on the fate of Raoul Wallenberg, but to maintain credibility when pressuring the Russians to disclose.

V. THE 1947 DEATH HYPOTHESIS

GIVEN THE INCOMPLETE ACCESS TO INFORMATION that now exists, it is impossible to come to any firm conclusion about what happened to Raoul Wallenberg. There are two hypotheses. One is that he died in 1947. The other is that he survived 1947, and lived in the Soviet gulag for many years after. There is no conclusive evidence to support either hypothesis.

The 1947 death theory is in fact three theories. One theory is that Raoul Wallenberg was shot and buried. Another is that he was poisoned and cremated. A third, suggests that he died of a heart attack during interrogation.

Clearly, all three theories cannot be true. The shooting theory, the poisoning theory and the heart attack theory all work to cancel one another out.

The shooting theory suggests that Raoul Wallenberg was shot at Kommunnarka near Moscow and buried in a nearby wood. The evidence of Sasovsky, the commander of a prison camp near Moscow, who, when drunk some time in 1950 or 1951, boasted of taking part in the shooting of a "Jewish swine" from Sweden. However, such evidence, from a drunk who does not mention Raoul

Wallenberg specifically, is of no better quality than the evidence that Raoul Wallenberg survived 1947.

There was a conversation Alexander Jakovlev had in 1989, with Kruytchkov after a Politbureau meeting. According to Jakovlev, Kruytchkov told Jakovlev Raoul Wallenberg was shot. This conversation, forty-two years after Raoul Wallenberg's alleged shooting, is not evidence, but is rather mere rumour.

Indeed, virtually all evidence about the death of Raoul Wallenberg is of this nature. It does not come from anyone who has direct knowledge of the case. It consists of guessing and speculation passed on from one person to another. Through enough repetition, it has acquire the status of fact.

In the spring of 1947, former KGB official Kondrashov, interpreted the interrogation of a prisoner dressed in a suit. The lead interrogator was Kuzmishin. Some months after the interrogation, Kondrashov asked a colleague what had happened to the person interrogated and was told that he had been shot. Kondrashov found out later the same year that the person in question was Raoul Wallenberg. This story raises more questions than it answers. How did Kondrashov find out that the person concerned was Raoul Wallenberg? When? From whom? Who told Kondrashov that the person concerned was shot? How did they come to know that information?

In support of the poisoning theory is evidence from a former intelligence officer who alleges he saw a file on Raoul Wallenberg that was created at the time of his death. Death was stated to have been from a heart attack induced by mental torture and medical experimentation. The source speculated that Pavel Sudoplatov's unit, the Administration for Special Tasks, was involved—including the laboratory run by Grigori Moiseyevich Mayranovsky, which undertook toxicological research and executed important prisoners by poison.

Where is this file the source saw? What was the archive in which the file was kept? What has since happened to the documents in that archive?

Sudoplatov himself maintained that Raoul Wallenberg may have been killed in Mayranovsky's laboratory and suggested where documents could be found that would establish this murder.²² These documents have not been located.

One could argue that the interrogation of Raoul Wallenberg's cell mates in late July 1947, and their subsequent isolation support a conclusion that Raoul Wallenberg died in July 1947. However, this treatment of Raoul Wallenberg's cell mates is equally consistent with a Soviet decision that the identity of Raoul Wallenberg would be disguised within the prison system, that he would become a numbered rather than a named prisoner, and that he would be kept in isolation.

Alternatively, the interrogations may not have signalled any decision about

²² See *Sudoplatov et al.*, *supra* note 7 at 265–276.

Raoul Wallenberg at all. The Vyshinsky note from 1947 stated that Raoul Wallenberg was “not known to have been on Soviet territory.” The interrogations may have served only the purpose of ensuring that this lie could be told without fear of immediate contradiction.

Soviet archival records show there to have been a letter dated 17 July 1947 from Viktor Abakumov, Chief of Smersh Military Counter Espionage, to Vyacheslav Molotov, then Vice Chair of the Council of Ministers and Deputy Prime Minister. The letter itself is missing. 17 July 1947 was also the date of the Smoltsov note stating that Raoul Wallenberg had died of a heart attack the previous night.

Obviously the contents of a missing letter can be only a matter of speculation. It is an indication of the flimsiness of the evidence in support of the 1947 death conclusion. This mere coincidence of dates, in the absence of the Abakumov letter, is used to argue that Raoul Wallenberg was murdered in 1947.

As mentioned earlier in this report, Vyshinsky wrote to Abakumov on 7 July 1947, asking that Abakumov give him information already known to foreigners about the fate of Raoul Wallenberg. That information was to be used to prepare a reply for the Swedish government, which had been pressing the Foreign Ministry about Raoul Wallenberg.

The most obvious possibility is that in the 17 July letter, Abakumov was only responding to that request. The reply from Abakumov went to Molotov rather than Vyshinsky because Vyshinsky was operating under Molotov and on his behalf. It most likely contained only what Vyshinsky requested and nothing else.

As long as there are unanswered questions about the fate of Raoul Wallenberg, as long as there is research to be done, archives to be searched, files to be disclosed, a 1947 death conclusion operates at cross purposes with this research. A 1947 death conclusion takes the wind out of the sails of the effort to answer unanswered questions.

VI. 1947 SURVIVAL HYPOTHESIS

THE EVIDENCE THAT RAOUL WALLENBERG survived July 1947 is compelling. It is a mistake, based on the present state of evidence, to prefer the hypothesis that Wallenberg died in 1947.

Witness testimony supporting the survival of Raoul Wallenberg has been rejected by some on the grounds that Raoul Wallenberg was known and discussed among foreign prisoners during the 1950s—giving rise to second hand, distorted reports that Raoul Wallenberg may have been confused with others of Swedish nationality, that there were other prisoners called Wallenberg in the gulag system, and that there have been false sightings of other celebrated gulag prisoners. In my view, the testimony of each Wallenberg witness must be examined and assessed separately. Rejecting witness testimony in a generalised

fashion supports a conclusion already formed that Wallenberg died in 1947, but cannot itself justify the conclusion.

No card was found in Vladimir prison relating to Raoul Wallenberg. However, the testimony of several individuals who claimed to have seen or heard that Raoul Wallenberg was being held in Vladimir during the 1950s, is largely correct with regard to details about their cells and dates of imprisonment. Information given by these Vladimir witnesses about their fellow witnesses was also generally correct.

It has been suggested that Vladimir prisoners may have been mistaken as Raoul Wallenberg was a well-known person in prison, and several Vladimir prisoners had met Raoul Wallenberg in Moscow prisons between 1945 and 1947. Further, Vladimir prisoner Henry Thomsen, alias Grossheim-Krisco, may have been a source of error. Henry Thomsen had been an employee at the Swedish Legation in Budapest. He communicated with other prisoners at Vladimir by knocking and, in so doing, described himself as a secretary at the Swedish legation. However, the suggested confusion and mistake of Vladimir prisoners about Raoul Wallenberg must be contrasted with their error free testimony regarding other matters unrelated to Raoul Wallenberg.

Evidentiary statements by other witnesses cannot be discounted. Among these are the testimony of Theodor von Dufving, Zigurds Kruminsh, Polish prisoners, Varvara Ivanovna Larina, and Alexander Timofeevich Kukin.

Theodor von Dufving recounted having encountered a prisoner dressed in civilian clothes with his own special accompanying guard in a transit camp in February 1949, on the route to Vorkuta. The prisoner was stated to be a Swedish diplomat. The Swede stated, "I have become prisoner due to a great mistake."²³

In 1962, Zigurds Kruminsh told Marvin Makinen in Cell 2-31 at Vladimir that Kruminsh had met a Swedish prisoner who was allegedly arrested "for some kind of intelligence work" and who was "certain" that he would "be well rewarded for his work upon his return home." This statement must be considered in conjunction with that made later to Makinen in a labour camp that "Kruminsh sat [in Vladimir] with the Swedish prisoner van den Berg."

A number of Polish prisoners, Boguslaw Baj, Jozef Kowalski, Jerzy Cichocki and Josef Markujewski, all held in the Soviet gulag, have identified Raoul Wallenberg as a fellow prisoner in the early 1950s.²⁴ All made statements separately and independently of each other. The testimony of these prisoners about camp conditions and their detention is supported by their personal files.

Evidence that Raoul Wallenberg had been given a sentence that was to ex-

²³ L. Olsen, *From Antonas Bogdanas to Isaac Wolfin: A Summary of 16 Witnesses' Relations with Raoul Wallenberg* (Stockholm: Government of Sweden, 1996) at 2.

²⁴ *U.S. News and World Report* (13 May 1996).

pire after 1947 would have suggested that he survived 1947. Two of the Polish witnesses testified that Wallenberg was sentenced. Boguslaw Baj testified that Raoul Wallenberg was given 25 years for espionage. Jerzy Cichocki, another Polish prisoner, testified he had asked to have Raoul Wallenberg moved to Cichocki's work brigade. Bratsk camp commanders refused the request because Raoul Wallenberg had "a special sentence."

It has been argued that keeping Raoul Wallenberg in a camp would be extremely illogical because of the risk of his coming into contact with other prisoners. However, the Polish witnesses state that they were held in a strict regime, which meant that prisoners could only associate with each other in groups of three or less, that the only topic for discussion was to have been work, and that they were to address each other by the number listed on a patch sewn on their clothes. If Raoul Wallenberg was indeed in camp with these prisoners, it would not have just been any camp, but a very restricted place.

Varvara Ivanova Larina, a cleaner at the prison hospital, recently identified Raoul Wallenberg as a prisoner in an isolation cell in the 1950s.²⁵ Her testimony is that a foreign non-German prisoner was held for a lengthy period in solitary confinement. Although Larina did not know the name of the prisoner, she described his physical features. The person she described has features similar to those of Raoul Wallenberg. Further, she identified Raoul Wallenberg by selecting a photograph of him that had never been circulated in the international press. At the time she was first interviewed by Marvin Makinen and Nikita Petrov in 1992, Larina knew nothing of the case about Raoul Wallenberg. She remembered the prisoner primarily because of his complaining attitude to prison authorities.

Alexander Timofeevich Kukin, a retired Head Guard from Vladimir, also admitted that a foreign prisoner had been held in Vladimir for a lengthy period in solitary confinement. His appearance resembled a photo of Raoul Wallenberg.

The testimony of Abraham Kalinski, a Polish Jew who spent a number of years in Soviet prisons and camps, including Vladimir, stated that Raoul Wallenberg was imprisoned in the Soviet Union until 1975. Kalinski claimed to have seen Wallenberg for the last time in 1959. Kalinski further passed on testimony of Soviet Jewish prisoner Jan Kaplan, Prison Medical Officer Butova and Soviet General Gennadij Kuprianov.

Some of the testimony of Kalinski is undoubtedly false.²⁶ However, other parts of Kalinski's testimony are correct in relation to places and dates. Although Kalinski's testimony is not reliable enough on its own to justify a conclu-

²⁵ *Ibid.*

²⁶ For instance, it has been stated that Kuprianov died in prison of torture at the hands of the KGB, when, in fact, he died of natural causes 23 years after his release from prison.

sion of any sort, it does deserve investigation.

If Wallenberg survived 19 July 1947, it is highly likely that his identity would have been disguised within the Soviet system. He would have been given a false name or a number to hide his identity from prison staff. Numbered prisoners existed in the Moscow prisons and Vladimir. Stalin's son, Vasily, was one such prisoner. Another example is the prisoner Boris Menshagin.

An important decision to kill Raoul Wallenberg may have been made in July 1947. However, the decision may equally have been to move him from Lubyanka, where he was an identified prisoner, to another prison where he would be a numbered, and otherwise unidentified prisoner.

A number of witnesses place Raoul Wallenberg in Lefortovo prison in late 1947 and 1948. In 1955, Finnish citizen Richard Dahm told the Swedish Ambassador to Helsinki that in 1948, he was a Soviet prisoner in Vladimir held in a cell with Germans Joachim Vorwerk and Heinz-Helmuth von Hinckeldey. Vorwerk and Hinckeldey told Dahm that they had met Raoul Wallenberg in Lefortovo in September 1947.²⁷

Roland Gottlieb, Consul at the German Embassy in Sofia during the War, was captured by the Soviets in 1944 and held in Lefortovo. At the end of 1947, a co-prisoner advised Gottlieb that Raoul Wallenberg was in Lefortovo.²⁸ There is substantial testimony from other prisoners to the same effect.

In 1984, a defecting Jewish official in the Hungarian Security Service (A.V.O.) stated that he had been given a special assignment in January 1983 as an analyst of some investigative material prior to a planned anti-Zionist trial. A Soviet adviser told him that Raoul Wallenberg was to be used as an important witness.

Igor Prelin, a former KGB press officer, stated that he reviewed materials which indicated that Raoul Wallenberg was to have been used as a Soviet witness in the Nuremberg war crime trials. He further explained that there existed an agreement between the former Allies: Russians at Nuremberg were not going to reveal American and British support for Nazi Germany; in turn, the British and Americans would not reveal details of the Molotov-Ribbentrop Pact or the Katyn massacre. Raoul Wallenberg and others served as guarantees that the deal would be kept.

In 1956, when Soviets were in the process of concocting what became the Gromyko memorandum, there were active discussions about what the Swedes knew in order to tailor the memorandum to that knowledge. In discussing Swedish knowledge, they considered what Mäntynen knew. Mäntynen was a Finn imprisoned in the Soviet Union between 1948 and 1955. A Soviet Foreign

²⁷ "Vladimir in Wallenberg Files" at 6.

²⁸ I. Cotler, *Summary of Report of International Commission of Inquiry re Fate and Whereabouts of Raoul Wallenberg 1947-1990* at Appendix D.

Ministry memorandum dated 5 April 1956, states:

According to information from the USSR Minister of the Interior and the KGB, Mäntynen did not meet Raoul Wallenberg while imprisoned in the USSR between 1948 and 1955 and was therefore unable to provide Swedish representatives with any material deserving any attention at all about Raoul Wallenberg.

Why would the Soviets be concerned whether or not Mäntynen had met Raoul Wallenberg between 1948 and 1955 if Wallenberg had died in 1947?

A 1960 Swedish report released by two judges in the Swedish Supreme Court concluded that it was probable that Wallenberg was alive and held in Vladimir during the early 1950s. The judges were Ragner Gyllensward and Per Santessen.²⁹

After a conversation conducted in German between Swedish psychiatrist Nana Swartz and Soviet cardiologist Alexander Miasnikov in 1961, Nana Swartz understood Alexander Miasnikov to have told her that Raoul Wallenberg was in a mental hospital in Moscow. Prime Minister Erlander, as he then was, wrote to Communist Party Chair Nikita Khrushchev about the conversation and requested the return of Raoul Wallenberg. At a meeting on 25 February 1961, Rolf Sohlman, the Swedish Ambassador to the Soviet Union, handed over the letter to Khrushchev, who responded with a verbal harangue. Dr. Miasnikov subsequently wrote to Dr. Swartz insisting that she had misunderstood him. The two met again on 10 July 1965, and each maintained their respective positions. Dr. Swartz remained “unwaveringly convinced” of the correctness of her version.

Dr. Miasnikov had an interest in changing his story if Dr. Swartz’s version was correct, since Dr. Miasnikov’s original admission contradicted official Soviet policy—the policy of his superiors. Dr. Miasnikov was not just an ordinary Soviet doctor, but one with close ties to the police and the KGB. If Raoul Wallenberg were alive, there is every chance that Dr. Miasnikov would have met him, and every reason for him to tow the official Soviet line about Wallenberg if asked to do so.

Dr. Swartz, on the other hand, had nothing to gain from her version of the story being correct. Further, a 1986 letter from the daughter of Nana Swartz to Swedish researcher Kenne Fant recounts that she met Dr. Miasnikov when she was a child and remembered him to have spoken German well.

If Wallenberg was kept alive, why was he kept alive? Answering this sort of question is morally difficult. The very suggestion that the killing of anyone might make sense is repulsive and reprehensible. It is difficult to try to imagine how people who were murderers and liars would have behaved towards Raoul Wallenberg and we are ill-placed to put ourselves in their shoes.

Despite this limitation, it is possible to say that there are several good rea-

²⁹ Lester, *supra* note 6 at 137.

sons why the Soviets would have kept Raoul Wallenberg alive. One is that even evil has its limits. The killing of Raoul Wallenberg would have been such a dastardly act that it would have given even the most bloodthirsty killers pause.

Second, alive, Raoul Wallenberg remained a valuable asset to the Soviets. He was someone who could be exchanged for a person the Soviets wanted abroad.

Third, Raoul Wallenberg could have potentially given testimony in various trials relating to World War II. Indeed, some of the evidence about his survival after 1947 revolves around possible exchanges and testimony.

A fourth reason why the Soviets would have kept Raoul Wallenberg alive was the nature of the gulag. Admittedly, people were killed senselessly in the Soviet Union. Further, they were arrested and kept in prison simply to keep the gulag going. The gulag and the whole state security apparatus of the Soviet Union depended on the arrest and detention of spies, traitors, and saboteurs to justify its existence. If there were no spies, traitors and saboteurs, they had to be invented. Raoul Wallenberg could have been kept alive in the gulag for no reason other than that the gulag needed people like him to give the gulag its *raison d'être*.

This report does not conclude that Raoul Wallenberg must have been kept alive, nor does it suggest that present evidence leads to the unequivocal conclusion that he survived 1947. Such logic leads nowhere. The present evidence that Raoul Wallenberg survived 1947 is substantial and cannot be dismissed.

VII. FOLLOW UP PROCESS

A FOLLOW-UP PROCESS TO THIS REPORT and the reports of the Swedish and Russian Working Groups is needed. Such a follow-up should not just be a watered down version of the present process. It needs to be an international undertaking and not limited bilaterally as the Swedish-Russian process is. It needs to have higher status and authority than the present process if it is to respond to questions the present process cannot answer.

It is difficult to untangle the truth about Wallenberg given the general opacity of the old Soviet system. The search for Wallenberg is a conundrum precisely because the Russians have done so little to clarify their past. Research reveals the difficulty of explaining the fate of a disappeared person who has fallen victim to a system whose abuses have not been thoroughly confronted.

The Wallenberg case was a cover-up within a cover-up. The Soviet gulag was the antithesis of an open, accessible system. Even within the general secrecy of Soviet repression, the Wallenberg case was a separate and tightly held secret. Documents in Soviet archives that would otherwise have been classified as top secret, were, in the case of Wallenberg, relocated to central archives, obliterated or destroyed. Witnesses who would otherwise have been sworn to secrecy were terrorised into saying absolutely nothing. Finding out what happened to

Wallenberg becomes a matter of not just pulling the Wallenberg file from the shelves, but rather of going through many records to piece together what remains of the information about what happened to him.

The Russians have decided neither to prosecute those who committed human rights violations during the Soviet regime, nor to have a truth commission bring such violations to light. Wallenberg investigations have to illuminate the gulag from 1945 until its end—shedding light on a history that otherwise remains in darkness.

This mammoth task can only be accomplished with the full cooperation seen at the time of Bakatin. Because much Russian archival material is behind closed doors, Wallenberg research must be led by individuals on the other side.

What could the Russian authorities be doing to produce more in the way of documentation about Wallenberg? There are five possibilities. Three of these are general in nature, two are specific to the case of Raoul Wallenberg.

The three general possibilities involve various ways of exploring the wrongs of the old Soviet system. If the full truth about the gulag becomes known, then we will know all there is to know about Wallenberg. There are many reasons why the full truth about the history of Soviet oppression should be known, going far beyond the Wallenberg case. Surely shedding light on the fate of Raoul Wallenberg is one reason among many.

Because these possibilities are general, the reasons why they should be done and the obstacles faced by them are also general. It would take me far beyond the intended scope of any focused Wallenberg investigation to argue for these general possibilities and attempt to deal with the obstacles to their realisation. I would only say that all of these general possibilities are meritorious, and the fact that none of them has yet been realised is regrettable.

The first general possibility is systematic prosecution of all those involved in human rights violations associated with the years of Soviet repression. While prosecution of human rights violators is not a documentation effort, one beneficial effect of such prosecutions is a public accounting of the crimes involved. If indeed any of the perpetrators of the enforced disappearance of Raoul Wallenberg are still alive and were now prosecuted for that enforced disappearance, the prosecution could produce evidence about Wallenberg that would form part of the public record.

The second general possibility is a truth commission. In many countries that have moved from a violator regime to a democratic system, truth commissions have taken the place of systematic prosecutions as prosecutions are viewed as destabilising. Further, prosecutions are nowhere near as systematic as truth commissions in their exposure of violations. Truth commissions may be limited in identifying perpetrators, however they are effective in providing information about victimisation. A Russian truth commission whose mandate would be to reveal the truth about human rights violations during the Soviet era would inevitably have the Wallenberg saga front and centre on its agenda.

The third general possibility is a transfer of the KGB archives and the Presidential archives of the Soviet era to the State archives, where they would be indexed and accessible to researchers on the same basis as other state archives. That was tentatively proposed by the Presidential Commission on Soviet Archives in 1992, headed by the late Dmitri Volkogonov. However, the proposal was dismissed after lobbying from FSB officials. The proposal, in my own view, remains viable.

These three possible solutions go well beyond the Wallenberg dossier. However, it is difficult to untangle the search for truth about Wallenberg from the general opacity of the old Soviet system. The search for Wallenberg is a conundrum precisely because the Russians have done so little to clarify the Soviet past. How can we know the truth about Wallenberg without knowing the truth about the whole gulag, all political prisoners, and the abuses of psychiatry? Wallenberg was allegedly sighted in many different parts of the Soviet prison and psychiatric system. If he was kept alive after 1947, it would have been as a prisoner whose identity was disguised even within the system. To be fully confident that we have traced every Wallenberg lead, it would be necessary to know who was in every cell, in every psychiatric hospital bed throughout the years of Soviet oppression.

The two possibilities particular to the case of Raoul Wallenberg are a presidential commission on his fate and access to previously closed archives for authorised researchers, subject to a confidentiality undertaking. The advantage of a presidential commission on the fate of Raoul Wallenberg is that it would have the authority and drive that the present Russian Working Group, at least in my estimation, seems to lack.

If the reports of both the Swedish and Russian Working Groups conclude that the question of what happened to Raoul Wallenberg remains unanswered, then the appropriate response would be to increase the level of investigation. It would be inappropriate to respond to a conclusion of both the Swedish and Russian Working Groups that the question of what happened to Raoul Wallenberg remains unanswered with a follow-up that has less intensity and less authority. If at first you do not succeed, try harder. It is a recipe for failure to apply less effort if your first attempt does not meet with success.

All archives—Russian, Swedish, German, Hungarian, United Nations, British, American—should allow unrestricted open stack access to qualified Wallenberg researchers, subject only to a confidentiality undertaking. The undertaking would be not to disclose any information obtained through this research that was irrelevant to the Wallenberg case. Such access would leave research in the hands of those interested in the fate of Wallenberg, rather than in the hands of professional archivists whose time, energy, and commitment to the mystery surrounding the Wallenberg case are not as great.

Over six years have passed since the creation of the Swedish and Russian Working Groups. From the time I began working on my report, in September

1996, I heard virtually every month that the Swedish Working Group report would be coming out within a month or two, to be released jointly with the Russian Working Group report. The release of the two reports became a mirage, seeming a step further away with each step toward it. The delay in releasing the reports of these Working Groups is appallingly long.

Blame for the delay falls on both sides. Russian counterparts claim to have their report ready and waiting for the Swedish release. Swedish delays and Russian readiness were explained by the greater thoroughness and seriousness with which the Swedish Working Group approached the task. The Swedish Working Group was never quite ready to release its report as the Russian side was so lethargic in answering requests for information. Russian lethargy was met with Swedish politeness. Swedish officials have done little to press Russian officials who did not provide information that was requested of them, who denied direct access to archives or who provided the information only after lengthy delays.

It now looks as though seven years will pass from the creation of the Russian and Swedish Working Groups to the release of their reports. It took Raoul Wallenberg only six months to save up to 100 000 lives from the Nazi death maw. The seven year process makes a mockery of the urgency that Raoul Wallenberg and his family deserve.

It may seem idle to talk of what should follow the release of the Swedish and Russian Working Group reports, when the release of those reports remains out of sight. The current Swedish-Russian process should be completed with urgency.

Those involved with the Swedish and Russian Working Groups must acknowledge the limitations of the process in which they are mired. Instead of remaining stuck indefinitely in inquiries without answer, they must end their work and recommend a process that will provide the answers.

VIII. THE CANADIAN CONNECTION

RAOUL WALLENBERG IS CANADA'S ONLY HONOURARY CITIZEN. In 1985, Roland de Corneille, a Liberal Member of Parliament for Eglinton-Lawrence, and Mr. Ricard, a Progressive Conservative Member of Parliament for Laval, presented a Private Member's Bill proclaiming Raoul Wallenberg to be an honorary citizen of Canada. The Bill was passed unanimously in the House of Commons on 9 December 1985, and the Senate on 10 December 1985.

In September 1988 William Bauer, head of the Canadian Delegation at the Conference on Security and Cooperation in Europe, made a statement to the Conference calling for the case of Raoul Wallenberg to be resolved. He urged the Soviet Union to provide full information on his situation, and charged that this had not yet been done. He said: "few people will be satisfied until the evasions, the ambiguities and obfuscations surrounding his case are removed, once and for all."

A telex from the Canadian Embassy in Stockholm to External Affairs in Ottawa dated 25 October 1989, stated:

[O]n the basis of the compelling case built by the Raoul Wallenberg Association over the years, one can say with some certainty that Raoul Wallenberg did not die in Lubianka in 1947 as the Soviets claim. Hence the case is unresolved. The Soviets know that Raoul Wallenberg is an honorary Canadian citizen. They also know that Canada frequently champions humanitarian causes relating to the USSR. Thus to ignore the Raoul Wallenberg case now that it has been reopened could give inappropriate signals to the Soviets.³⁰

The telex suggested that Prime Minister Brian Mulroney, then about to visit the Soviet Union, and the senior officials travelling with him, raise the Raoul Wallenberg case with their counterparts in the Soviet Union.

This suggestion was adopted. A later telex from the Canadian Embassy in Stockholm dated 1 March 1991, said:

When Prime Minister Mulroney passed through Stockholm in November 1989 and met Prime Minister Carlsson, Mr. Mulroney raised the Wallenberg issue, underlining his honorary Canadian citizenship and said he would do what he could to help the related investigation in the USSR. The matter was raised with the then Foreign Minister Shevardnadze by the Secretary of State for External Affairs in Moscow the following week.

A House of Commons Briefing note dated 30 May 1990, from A.P. McLaine, Director-General, USSR and Eastern Europe Bureau, Department of External Affairs and International Trade states,

The Government of Canada has in the past made repeated representations to the Soviet authorities, citing dissatisfaction with the unsupported Soviet assertions concerning Wallenberg's fate.

Most recently, there has been support for this research from the Canadian Government. When the Honourable Lloyd Axworthy, Minister of Foreign Affairs and International Trade, announced that the Government would assist in defraying the cost of my research activities to be conducted to determine the fate of Raoul Wallenberg, the Minister said:

Canadians attach real importance to the extraordinary heroism of Mr. Wallenberg and the inspiration that it offers to champions of human rights who might despair over the huge obstacles they face.

There is at least one person in Canada who asserts that he met Raoul Wallenberg in the Soviet gulag after 1947. Josyp Terelya writes of coming across Raoul Wallenberg in 1970 at Vladimir prison in his 1991 autobiography.³¹

The Government of Canada should participate actively in ongoing efforts to

³⁰ The text has been converted from telex to discursive style.

³¹ J. Terelya, *Witness to Apparitions and Persecution in the USSR* (Ohio: Faith Publishing Company, 1991) at 1334.

determine the fate of Raoul Wallenberg, including a follow-up to the release of the Swedish and Russian Working Group reports. In particular, the Government should call on all governments which may have information in their archives about Raoul Wallenberg, to bring forth any and all information.

An active Canadian government role in research would be consistent with Canada's own history of support for Raoul Wallenberg and those concerned about his fate. It would demonstrate that the investigation is not just a Swedish-Russian bilateral matter; the fate of Raoul Wallenberg is of concern to humanity. It would show that questions about the Raoul Wallenberg will remain until they are answered.

IX. CONCLUSIONS

AT SOME TIME, IT WILL BE NECESSARY to draw a line understanding that we have uncovered all that reasonably can be known, and draw conclusions based on that knowledge. However, when that time comes, conclusions must be drawn based on all the information available, both within and outside Russia.

The basic conclusion of the report is that the fate of Raoul Wallenberg, although not yet known, can be determined. There are, I believe, documents in existence which, if disclosed, would allow us to know the fate of Raoul Wallenberg.

There is both a legal and moral duty to determine the fate of Raoul Wallenberg, to get at the truth about what happened to him, and to follow every evidentiary lead to its conclusion. Such a duty rests not just on Russia, but on the whole global community.

The Holocaust revealed the abyss of the human soul, the depths to which humanity could sink. The efforts of Raoul Wallenberg showed what one person could do in the face of tyranny. He demonstrated the heights that humanity could reach. The Holocaust has become the symbol of evil for this century. Raoul Wallenberg has become the symbol for good. What Raoul Wallenberg did he did for humanity—all of humanity owes its gratitude to him.

Many, who did nothing in the face of the Nazi killing machine, asked what they could have done? The answer lies in examining what Raoul Wallenberg did.

Nazis viewed World War II as a war against the Jewish population. It was a one-sided war that only the Nazis were fighting. The Jews did not know that they were under attack until it was too late; they were isolated from the rest of humanity, who, for the most part, offered no help. The exception was Raoul Wallenberg. He singlehandedly fought the Nazi death machine and won.

Edmund Burke has written that all that is necessary for evil to triumph is for the good to do nothing. Raoul Wallenberg demonstrated the opposite. He showed that all that was necessary for evil to be defeated is for the good to be active.

The activity he showed must be an inspiration to us whenever evil is present, whenever governments attempt to crush humanity. However, his work must first be an inspiration to us in fighting for him—in finding out what really happened to him.

The Wallenberg file should not be a matter of passive curiosity. It must be a matter of active concern. We must show that investigation into his fate matters to us. The investigation into his fate must be done properly, but done thoroughly. It must be given the highest priority.

Raoul Wallenberg research is a matter of urgency because there remains a possibility, however remote, that Raoul Wallenberg is alive today. His date of birth puts him at an age still within the biological life span. Raoul Wallenberg was born on 4 August 1912. If alive today, he would be 87.

I have no doubt that, at some point, all files on the fate of Raoul Wallenberg will be disclosed. But if that disclosure is 50 or 100 years from now, there would no longer be any possibility that he would still be alive. Every effort must be made to determine his fate his age still leaves open the possibility that he is alive.

There may be some readers who are satisfied that Raoul Wallenberg is dead, even though questions about how, where and when he died remain unanswered. Such readers may wonder, why such effort is necessary to find out where and how he died? There is still a mystery to be solved. But, why should this puzzle be a matter of priority for the international community? Should the answers not be left to the measured pursuits of academic researchers?

There are two answers. One, that even if Raoul Wallenberg is dead, those responsible for his death and the cover-up remain alive. Those responsible should be held accountable. Indeed, it is very likely that the fear of being held accountable is a reason why full disclosure of his fate is so difficult.

The murder of Raoul Wallenberg and the subsequent cover-up if he was murdered, is one of the great crimes of the twentieth century. Ideally, the perpetrators should be brought to justice. At the very least, their actions should be exposed while they are still alive.

The second answer is that putting aside the mystery of the murder of Raoul Wallenberg would amount to killing him twice over. Saying that his murder does not matter is a way of saying that he does not matter. Ignoring the murder of Raoul Wallenberg means murdering his memory. In such a murder we would all be complicit. If we are to truly honour and remember Raoul Wallenberg, we must not only remember his life but also his death. However, we cannot remember what we do not know.

Even if he were still alive, it is too late now to compensate Raoul Wallenberg for what has been done to him. However, we owe it to him, to the glimpse he gave us of human potential in the face of adversity, to discover the fate of Raoul Wallenberg.

X. SUMMARY OF RECOMMENDATIONS

THE FOLLOWING IS A SUMMARY of the recommendations necessary for full disclosure of information about Raoul Wallenberg:

- (i) There should be full archival disclosure of all information about Raoul Wallenberg wherever that information may be located, whether in private or government files; not only in Sweden and Russia, but also in the United Kingdom, the United States, Hungary, Germany, Israel and the United Nations in New York. In particular:
 - (a) Russian archivists should cooperate fully in providing
 1. information about detainees in Kazan mental hospital,
 2. the files transferred to KGB/FSB archives in Moscow of numbered prisoners in Vladimir.
 - (b) Swedish archivists should provide cabinet level documents and security service documents about Raoul Wallenberg, including evidence of the proposed prisoner exchange of Raoul Wallenberg for Stig Wennerström.
 - (c) The United States government should act on Freedom of Information Act requests about Raoul Wallenberg with urgency. The blacked out information in disclosures previously made should be provided.
 - (d) The United Kingdom government should not use a security exception to its *Code of Practice on Access to Government Information* to justify non-disclosure of information about Raoul Wallenberg. Nor should the reasoning that information in government files is already publicly available in some other form be a justification for withholding that information.
- (ii) All archivists should cooperate fully within independent non-governmental researchers. Research should not just be a governmental matter. Non-governmental researchers should be given direct access to relevant archives.
- (iii) An investigation into the fate of Raoul Wallenberg is not just a Russian Swedish bilateral matter. Given what Raoul Wallenberg did to combat crimes against humanity, his fate concerns all humanity. In particular, countries that have given Raoul Wallenberg honorary citizenship, the United States, Israel and Canada, are entitled to be and have a duty to be involved in the investigation into his fate.
- (iv) The Government of Canada should participate actively in ongoing efforts to determine the fate of Raoul Wallenberg, including the follow up to the re-

lease of the Swedish and Russian Working Group reports. In particular, the Government of Canada should call on all governments that may have information in their archives about Raoul Wallenberg to disclose such information.

- (v) The Swedish and Russian Working Groups should complete their work and release their reports as a matter of urgency. These reports should recommend a follow up process to their reports that will lead to answers that they have been unable to get.
- (vi) In Russia, the follow up process should include the establishment of a Presidential Commission to report on the fate of Raoul Wallenberg. The follow up process should be intergovernmental, involving all interested governments.
- (vii) It is premature on the present state of the evidence, in advance of full disclosure of all relevant documents in archives, to come to any conclusion on the fate of Raoul Wallenberg. In particular, it is premature and unwarranted to come to the conclusion that Raoul Wallenberg died in 1947. A 1947 death conclusion operates at cross purposes with the need for further research. The currently available evidence that Raoul Wallenberg survived 1947 is at least as compelling as the evidence that he was murdered in 1947.
- (viii) A burden of proof on the proposition that Raoul Wallenberg is dead, with a standard of proof beyond a reasonable doubt, is most likely to spur further inquiries and to answer all unanswered questions. Any argument that Raoul Wallenberg died, whether in 1947 or at any other time, must be proven beyond reasonable doubt.