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TELEGRAM

~~SECRET~~ 892

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ACTION SS-30

INFO OCT-01 IS0-00 SSO-00 /031 W ----- 106071

R 151500Z JAN 74
FM AMEMBASSY NEW DELHI
TO SECSTATE WASHDC 9044

~~SECRET~~ SECTION 1 OF 2 NEW DELHI 0727

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E.O. 11652: GDS
TAGS: OGEN IN UR UK US
SUBJECT: REFUGEES: REQUEST FOR INSTRUCTIONS

REF: (A) NEW DELHI 228
(B) STATE 002425

SUMMARY: NO EMBASSY CAN KEEP ITS SELF RESPECT IF IT IS NOT OCCASIONALLY ATTACKED BY THE MANCHESTER UNION LEADER. HOWEVER, MR. LOEB'S RECENT ALTOGETHER FALSE ALLEGATION TO THE PRESIDENT THAT WE HAD TURNED AN INJURED RUSSIAN REFUGEE BACK TO THE BOLSHEVIKS WAS ALTOGETHER FALSE ONLY BY THE GRACE OF GOD. IN THE PRESENT SITUATION, OUR INSTRUCTIONS FROM THE DEPARTMENT AND THE RULES LAID DOWN BY THE GOVERNMENT OF INDIA ARE SIMPLY INCOMPATIBLE. BY THE TIME THIS CABLE IS RECEIVED IN WASHINGTON, MUCH LESS BY THE TIME ANYBODY READS IT, WE MAY FIND OURSELVES INVOLVED IN AN ABSOLUTE BALLS UP. WE NEED FURTHER INSTRUCTIONS. END SUMMARY.

1. AT SIX O'CLOCK IN THE EVENING OF OCTOBER NINE, 1973, A SOVIET DREDGE WORKER NAMED ANATOL VIKTOROVICH PAKHOMOV ARRIVED AT THE U.S. EMBASSY BY TAXI. HE SPOKE NO ENGLISH, BUT IN TIME A RUSSIAN SPEAKING EMBASSY OFFICER WAS LOCATED AND IT TURNED OUT HE WANTED THE GTE ENGLISH EMBASSY. UNQTE. WE CONTACTED THE HIGH COMMISSION AND AT TWENTYONETHIRTY HOURS THEY CAME AND TOOK HIM ACROSS THE STREET TO THE HIGH COMMISSION. UNDERSTANDABLY THEY SHOWED NO ENTHUSIASM FOR THIS, BUT PAKHOMOV WAS SAYING HE DID WANT TO GO TO

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DECLASSIFIED
E.O. 12958, as amended, Sect 3.5
NLN 06-05/1 per. Ltr. 9/19/07

-3 DB NARA, Date 10/3/07

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ENGLAND AND DID NOT WANT TO GO TO THE UNITED STATES, AND IN THE END THEY DID THE PRESUMEDLY DECENT THING.

2. I SAY PRESUMEDLY DECENT BECAUSE THERE WAS NO WAY OF KNOWING WHO PAKHOMOV WAS OR WHAT WERE HIS INTENTIONS. HE WAS TOURING INDIA. DID HE MERELY WANT TO TOUR ENGLAND? WAS HE THAT RAREST BUT MOST SUCCESSFUL OF NEW SOVIET MAN, A PROLETARIAN DEVOTED TO REVOLUTIONARY LITERATURE WHO HAS SOMEHOW GOT SIDETRACKED INTO SOLZHENTSYN? HAD HE KNOCKED UP HIS GIRL FRIEND? WE CERTAINLY DIDN'T KNOW. NOR DID THE BRITISH. WHAT WE SOON FOUND OUT HOWEVER, IS THAT HE HAD BROKEN AWAY FROM HIS TOUR GROUP OUT AT THE AIRPORT, AND AFTER SCUFFLES AND SUCH HAD JUMPED INTO A CAR AND MADE HIS GETAWAY BEFORE THE EYES OF HUNDREDS OF OFFICIALS, TRAVELLERS, AND POLICE. HE SPOKE NO ENGLISH, AS I HAVE SAID, AND SO THE CAB DRIVER NATURALLY TOOK HIM TO THE AMERICAN EMBASSY. WHERE ELSE? FORTUNATELY FOR US HE DID NOT WANT TO STAY. EVEN SO, BY THURSDAY MORNING OCTOBER THIRTEEN THE DELHI PRESS WAS FILLED WITH HEADLINES SUCH AS "RUSSIAN MAY BE IN US EMBASSY." HE WAS NOT, AND WE WERE ABLE TO STATE THAT HE WAS NOT. WE WERE IN THE HAPPY POSITION OF NOT HAVING TO CONCEAL ANYTHING SAVE THAT THE BRITISH HAD TAKEN HIM AWAY, A QUESTION WHICH WE CHOSE TO DODGE. (PAKHOMOV'S STORY ENDS QUICKLY ENOUGH. THE BRITISH KEPT HIM PENDING INSTRUCTIONS FROM LONDON, HAVING RECOMMENDED THAT HE NOT BE GIVEN ASYLUM. THIS RECOMMEDATION WAS APPROVED. BY THIS TIME? HE HAD JUMPED OUT OF A WINDOW IN THEIR COMPOUND, BROKEN HIS LEG, AND GENERALLY GONE INCOHERENT. THEY TURNED HIM OVER TO THE INDIAN POLICE, WHO AFTER A 24-HOUR DELAY PASSED HIM ON TO THE RUSSIANS. BY NOW I EXPECT HIS LEG IS BETTER AND HE IS BACK ON THE DREDGE: MAYBE IN ASHKHABAD, MAYBE IN THE GULAG ARCHIPELAGO. WHO KNOWS? OUR DEALINGS WITH THE BRITISH WENT SMOOTHLY. AS ACTING HIGH COMMISSIONER MALE PUT IT TO ME LATER "THE IMPURTANT THING ISTHAT WE DON'T DROP EACH OTHER IN THE SHIT," AND WE HAD NOT.

3. BUT THINK HOW EASILY THINGS MIGHT HAVE BECOME IMPOSSIBLY DIFFICULT. SUPPOSING PAHMOMUV HAD WANTED TO COME TO THE UNITED STATES EMBASSY, OR SUPPOSING, HAVING ARRIVED, AND KNOWING THE RUSSIANS WERE IN HOT PURSUIT, HE SETTLED FOR WHAT HE HAD GOT. (I CAREFULLY DID NOT SEE THE MAN. THE

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MINISTER HANDLED THE WHOLE AFFAIR -- AND WITH CONSUMMATE SKILL AND GRACE UNDER PRESSURE. BUT I TEND TO ASSUME THAT PAHOMOV WAS MENTALLY DISTURBED. ANY SAME MAN IN HIS SITUATION -- EVEN IF HE WASN NOT POLITICAL -- HAVING MADE HIS BREAK AND GOT INTO AN AMERICAN EMBASSY, WOULD HAVE INSISTED ON STAYING.) ALL PAHOMOV HAD TO DO WAS TO SAY HE WANTED TO GO TO AMERICA AND OUR INSTRUCTIONS WOULD HAVE BEEN TO GET HIM THERE. IN ANY EVENT IN NO CIRCUMSTANCES TO ALLOW HIM TO FALL BACK INTO THE HANDS OF THE RUSSIANS. THUS A CABLE OF 8MARCH 1972: QTE GEORGIVIE SHOULD NOT RPT NOT IN ANY CIRCUMSTANCES BE PUT IN POSITION IN WHICH THERE RISK HE MIGHT BE RETURNED TO BULGARIAN OR OTHER COMMUNIST GOVERNMENT HANDS AFTER SEEKING ASYLUM IN US. UNQTE. HAPPILY, SO FAR, NONE OF THE PEOPLE WHO HAVE COME TO US AND HAVE ASKED FOR ASYLUM HAVE DONE SO IN CIRCUMSTANCES OF HOT PURSUIT. WE HAVE BEEN ABLE TO BUY THEM AN AIRPLANE TICKET AND HAVE THEM OUT OF INDIA BEFORE ANYONE NOTICED. BUT WHAT IF THE NEXT PAHOMOV WAYS AS A MATTER OF FACT HE HAS COME TO JUST THE PLACE HE WAS LOOKING FOR. WE HOLD HIM. IN A MATTER OF HOURS, IF NOT MINUTES, THE INDIAN POLICE KNOW HE IS HERE. THE INDIAN GOVERNMENT FORTHWITH ASKS THAT HE BE TURNED OVER TO THEM. (THE DAY AFTER PAHOMOV'S BRIEF VISIT, THE CHIEF OF PROTOCOL CALLED SCHNEIDER IN TO SAY THE GOI HAD REASON TO BELIEVE THAT THIS MAN WAS IN THE AMERICAN EMBASSY AND WAS SURPRISED AND UNHAPPY THAT NO INFORMATION REGARDING HIM HAD BEEN GIVEN TO THE GOI. HE STRONGLY URGED THAT THE INDIVIDUAL BE TURNED OVER TO THE GOI, TO BE DEALT WITH IN ACCORDANCE WITH THE LAWS AND PROTECTION OF INDIA. WHICH, ARE, LIKE MOST THINGS IN INDIA, QUITE RESPECTABLE FROM OUR POINT OF VIEW. HOW THEY ARE APPLIED IS ANOTHER MATTER.) TWO POSSIBLE OUTCOMES. EITHER WE WOULD HAVE HANDED HIM OVER AFTER A LONG TENSE PERIOD OF SENDING CABLES BACK AND FORTH TO WASHINGTON, HANDING HIM OVER THAT IS BEFORE WORLD TELEVISION, OR WE WOULD HAVE GIVEN HIM ASYLUM IN THE EMBASSY TO THE FURY OF THE INDIANS AND THE ANNOYANCE OF THE RUSSIANS. A CARDINAL IS ONE THING. A PAHOMOV ANOTHER. WITHIN A FORTNIGHT HE WOULD HAVE BEEN JUMPING OUT OF OUR WINDOWS, LANDING US ALL, IN THE PLACE PETER MALE FELT SHOULD BE AVOIDED.
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TO SECSTATE WASHDC 9045

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4. UNLESS I AM MISTAKEN, OUR PRESENT INSTRUCTIONS DERIVED FROM THE CASE OF THE SEAMAN WHO JUMPED ABOARD ONE OF OUR COAST GUARD CUTTERS IN 1970 AND WAS HANDED BACK, AT SEA, BY THE OFFICERS RESPONSIBLE WILL RECALL THE INCIDENT BEING DISCUSSED AT A CABINET MEETING. IT WAS CHILLING EVENT AND EVERYONE WAS UPSET. AN ADMIRAL LOST HIS COMMAND OVER IT. THE POINT WAS THAT THE MAN WAS SO CLOSE TO FREEDOM, AND WE TURNED HIM BACK, BUT A MAN IN THE AMERICAN EMBASSY IN NEW DELHI IS NOT THAT CLOSE TO FREEDOM. WE CANNOT SIMPLY CHANGE COURSE AND HEAD FOR NEW BEDFORD. WE NEED INSTRUCTIONS THAT DEAL WITH THIS REALITY.

5. IF YOU WILL BEAR WITH ME, I WILL PROPOSE THAT THERE ARE SOME MORE OR LESS DISTINGUISHABLE SITUATIONS WITH WHICH WE MUST DEAL. THINK OF A SIMPLE TABLE WITH THREE ROWS AND TWO COLUMNS. THE ROWS REFER TO TYPE OF INDIVIDUAL, THE COLUMNS TO WHETHER OR NOT HE IS KNOWN TO BE MISSING. ROW ONE, DEFECTORS. SUCH PERSONS SHOULD BE [REDACTED] REMOVED FROM INDIA, WHETHER THEY RE KNOWN TO BE MISSING OR NOT. NOW TWO, REFUGEES. IF SUCH PERSONS COME TO THE EMBASSY AND IT IS REASONABLY CLEAR THAT THEY ARE NOT EVEN MISSED, OR IN ANY EVENT THAT NO ONE IS IN HOT PURSUIT, THEY SHOULD BE SENT TO THE UNITED STATES QUICKLY, AT US GOVERNMENT EXPENSE. IF, ON THE OTHER HAND, THEY ARE MISSED AND ARE BEING SOUGHT, THEY SHOULD BE TURNED OVER TO THE GOVERNMENT OF INDIA WITH THE SPECIFIC REQUEST THAT THEY BE GRANTED THE PROTECTION OF INDIAN LAW. WHERE APPROPRIATE THE EMBASSY SHOULD SEEK TO ENSURE THAT THEY HAVE LEGAL ASSISTANCE AND TO HOLD THE GOVERN-

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MENT OF INDIA TO ITS OWN PROFESSED STANDARDS IN SUCH MATTERS. ROW THREE. TOURISTS. I WOULD DEFINE THESE AS PERSONS WHO PRESENT THEMSELVES TO US WITH NO VISIBLE CLAIM ON OUR INTEREST OR CONCERN. THEY HAVE NO INTELLIGENCE VALUE, NOR DO THEY APPEAR TO BE FLEEING A TOTALITARIAN REGIME. THEY ARE SIMPLY CURIOUS TO SEE OTHER COUNTRIES, OR, IN ONE WAY OR ANOTHER UNSTABLE, SUCH PERSONS HAVE NO CLAIM ON US. WHETHER THEY ARE KNOWN TO BE MISSING OR NOT, THE EMBASSY SHOULD DELIVER THEM TO INDIAN OFFICIALS WITH THE REQUEST THAT THEIR LEGAL RIGHTS BE OBSERVED.

6. TO ADOPT THIS STANDARD IS TO PLACE A CERTAIN RELIANCE ON THE GOVERNMENT OF INDIA. WE RECOGNIZE THAT THE GOI WILL NOT GO OUT OF ITS WAY TO ANNOY THE SOVIETS. ON THE OTHER HAND, AS I UNDERSTAND IT, THERE HAVE BEEN AT LEAST TWO CASES IN WHICH WE HAVE HANDED BONA FIDE REFUGEES OVER TO THE INDIANS AND, AFTER LEGAL PROCESS, THEY WERE ALLOWED TO PROCEED TO NON-SOVIET LANDS. OUR JUDGMENT WOULD BE THAT IF WE ARE TO REMAIN IN A POSITION TO DO SOMETHING FOR PERSONS WHO HAVE EVERY REASON TO DREAD BEING RETURNED TO IRON CURTAIN COUNTRIES, WE HAVE GOT TO AVOID ENCOUNTERS OVER MEANINGLESS ESCAPADES SUCH AS THAT OF PAHOMOV.
REQUEST INSTRUCTIONS.
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