

p.B.73.Vietnam.O.(4) - GE/hb

Bern, den 17. Januar 1973

B 28.2.73

N o t i z*see*
*[Signature]*Antiamerikanische Demonstrationen

Der interimistische Leiter der US-Botschaft, Herr Melville Edgar Blake, sprach heute auf eigenes Begehren und folgender Anliegen wegen bei mir vor:

.. / ..

1. Herr Blake händigte mir die beiliegende Note aus. Darin werden gegenüber der Eidgenossenschaft Ersatzansprüche in der Höhe von Fr. 5'832.65 erhoben, wegen der Beschädigung der US-Mission in Genf anlässlich der Vietnam-Demonstration vom 13. Januar 1973.

In seinen mündlichen Ausführungen unterstrich Herr Blake, dass die Genfer Polizei laut den ihm vorliegenden Berichten amerikanischer Kollegen in Genf, die dem Geschehen als Augenzeugen beiwohnten, durch zu spätes Eingreifen ihre Schutzaufgaben vernachlässigt habe, womit die Voraussetzungen für die Verpflichtung der schweizerischen Behörden zu Schadenersatz gegeben seien.

Ich brachte Herrn Blake mein Bedauern über den Vorfall zum Ausdruck. Ein Polizeibericht über die Sache liege uns noch nicht vor, sodass ich mich zum Tatbestand nicht zu äussern vermöge. Ich stellte eine Prüfung der Angelegenheit in Aussicht.

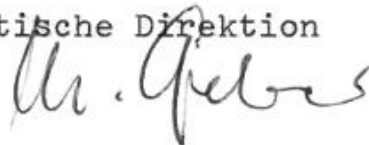
2. Die amerikanische Botschaft hat Kenntnis erhalten davon, dass für das bevorstehende Wochenende erneut Vietnam-Demonstrationen - und zwar am 20. Januar in Zürich und am 21. Januar in Bern - angesagt und von den Behörden bewilligt wurden. Laut gewissen der Botschaft zugegangenen Informationen ist damit zu rechnen, dass wiederum ähnlich wie in Genf Gewalttätigkeiten gegen Gebäude der amerikanischen offiziellen Vertretungen geplant sind.

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Die Botschaft bittet darum, es möchten alle notwendigen Massnahmen getroffen werden, damit diesmal Beschädigungen der amerikanischen Vertretungen in Zürich und Bern vermieden werden.

Ich versprach Herrn Blake, den zuständigen Instanzen von seinem Begehren Kenntnis zu geben.

Politische Direktion



(Gelzer)

Kopie dieser Notiz samt Beilage gehen an:

- Herrn Generalsekretär Thalmann
- Herrn Botschafter Keller
- Herren Hohl und Indermühle
- Schweizerische Botschaft, Washington

- Herrn Dr. Amstein, Chef der Bundespolizei, mit der Bitte
 - a) eine Untersuchung bezüglich Ziff. 1 dieser Notiz in die Wege zu leiten und dem EPD die notwendigen Elemente zur Beantwortung der amerikanischen Note zur Verfügung zu stellen.
 - b) im Hinblick auf die für das kommende Wochenende geplanten Vietnam-Demonstrationen die notwendigen Massnahmen zum Schutze der US-Vertretungen in Zürich und Bern anzuordnen.

- Protokolldienst EPD, zur Kenntnisnahme und mit der Bitte um Weiterverfolgung der Angelegenheit, soweit sie in die Zuständigkeit des Protokolldienstes fällt.

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No. 10

The Embassy of the United States of America has the honor to refer to a demonstration during the afternoon of January 13, 1973, in which a number of persons caused damage to the United States Mission in Geneva, apparently from political motives. The following recapitulates the incident, as reported to the Embassy by the United States Mission in Geneva.

At approximately 4:15 p.m., January 13, a protest demonstration "Against the Crimes of President Nixon in Vietnam" took place in Geneva. The demonstrators had been given permission by the police to march between Place Neuve and Place des Alpes. The police stationed barricades and police officers in front of the Mission beginning early in the morning of January 13 and approximately thirty police officers on the streets immediately behind the Mission. Other police and water trucks were held in reserve off the Rue de Lausanne on Rue Butini.

After the demonstration, approximately 3,000 demonstrators left the designated area, and proceeded beyond the designated route. En route to the intersection of Rue de Lausanne and Rue du Valais, the group inflicted damage to the First National City Bank of New York, the Chase Manhattan Bank and on American Express Company offices.

When the demonstrators arrived at the intersection of Rue de Lausanne and Rue du Valais, a few feet from the United States Mission, they were halted by their own

monitors. Speeches were delivered, the group chanted anti-U.S. slogans and threw rocks and paint bottles which hit the police stationed behind the barricades closest to the intersection. The police did not react. At this time a small group of demonstrators proceeded directly in front of the Mission, where they burned an effigy of President Nixon. After more speeches and chanting, the entire group of demonstrators was permitted to continue along Rue de Lausanne, passing directly in front of the Mission where they threw rocks and paint at the building. After the demonstrators had damaged the building, a water truck followed by riot police moved in and the crowd reversed its direction. Going back along Rue de Lausanne, they passed the Xerox building, located three blocks from the United States Mission, and destroyed its facade of glass windows. The company managing the Mission building had its own representative on the scene to observe events. Nothing was done by the police to prevent the crowd from proceeding to a point where damage could be inflicted on the Mission.

The Embassy is aware from exchanges of Notes concerning past incidents that the Federal Political Department has declined to make restitution, ascribing its position to generally accepted principles of international law, namely that the host government is responsible only if adequate protection has not been provided. In the case at hand, however, police protection was clearly inadequate. The police did not take active steps to prevent damage to the Mission building, even after the demonstrators had deviated from their authorized route, inflicted damage to other buildings en route to the Mission and were

clearly bent on inflicting damage on the Mission building.

In this connection, the attention of the Federal Political Department is invited to article 22 (2) of the Vienna Convention on Diplomatic Relations of 1961, which has been ratified by both Switzerland and the United States: "The receiving state is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity." (Underscoring added)

The Embassy notes that nine incidents have occurred since May 1970 involving damage to United States Government diplomatic and consular premises in Switzerland.

The Embassy would like to reiterate that it is the position of the United States Government that host governments should pay directly or through reimbursement for replacement of or repair to property damaged by acts of violence, including riots and demonstrations.

The damage done on January 13 to the United States Mission building at Geneva cost Sfrs. 5,832.65. The United States Government has paid for these repairs, and requests the Federal Political Department to arrange for reimbursement to the Embassy of the Sfrs. 5,832.65.

The Embassy of the United States of America avails itself of this opportunity to renew to the Federal Political Department the assurances of its highest consideration.

The Embassy of the United States of America,
Bern, January 17, 1973.

