

British documentary exposes OSI fraud in Demjanjuk trial

by Mark Burdman

Britain's Independent Television (ITV) is to be commended for its documentary "Ivan the Terrible: A case of mistaken identity." The show has done justice to retired Cleveland auto worker John Demjanjuk, falsely accused of being the murderous Treblinka concentration camp guard "Ivan the Terrible" and then convicted and sentenced to be hanged by a court in Jerusalem. At the same time, ITV has presented devastating evidence of how the U.S. Justice Department's Office of Special Investigations (OSI) lies, covers up evidence, and treats its targeted victims with utter contempt and disrespect for the principle of law.

The documentary was aired on May 15 in Britain, on ITV's "Viewpoint 90" show, just as Demjanjuk's appeal to the Israeli Supreme Court was being launched. On May 17, in his first statements to the court, Demjanjuk's Israeli lawyer Yoram Sheftel underscored how unique and important this case is, when he drew comparisons between the 15-month trial of Demjanjuk and the Dreyfus Affair in France and the show trials in the Soviet Union under Josef Stalin. Sheftel's summation, over a period of days, lasted 60 hours in total, with the lawyer summing up on May 29: "There is not a shred of real evidence to prove the appellant is Ivan the Terrible." The ITV documentary bore out that contention.

The airing of the show appears to be stiffening the resistance of leading political forces in Britain, against establishing "war crimes trials" in the U.K. and creating a British version of the OSI. During the week of June 4, the House of Lords will be voting on legislation that would do exactly this, following the recent passage by the House of Commons of a Thatcher government-sponsored "war crimes bill." Some of the most prestigious members of the House of Lords, especially those who are themselves lawyers, are strongly against such legislation, and there is a possibility that Britain will experience the highly unusual event, of the House of Lords torpedoing a piece of legislation already agreed to in the lower house. Meanwhile, articles citing the "Demjanjuk precedent" in Israel, as a good reason for Britain *not* to establish a "war crimes" apparatus, have appeared in London's Establishment *Times* and *Sunday Times* newspapers.

Hopefully, some means will be found to air the feature on American television. The U.S. Justice Department has become a runaway monster, with its "Thornburgh Doctrine" justifying the American invasion of Panama and other travesties against international law; its frameups of political fig-

ures, such as Lyndon LaRouche, who oppose the policy "consensus" in Washington; and its illicit collaboration with Edgar Bronfman's World Jewish Congress, the Anti-Defamation League, and the Soviet KGB, in such ventures as the "Nazi-hunter" fraud.

The ITV broadcast makes a great contribution to truth, in the various segments where an ITV interviewer confronts Allan Ryan, OSI's first director (since succeeded by Neal Sher). Having ably done its homework, the ITV team was able to ask Ryan, point blank, about cases where the OSI withheld evidence, obstructed the work of the defense, etc. Ryan's arrogant and contemptuous "body language," coupled with the fact that he is obviously either lying or obfuscating the truth, does more to describe the mentality of the senior Justice Department establishment, than reams of print could accomplish.

An indictment of the OSI

In the course of the show, the ITV team presents the following examples of OSI misbehavior:

1) The OSI had withheld from the defense the testimony of 26 survivors of the Treblinka concentration camp who did *not* identify Demjanjuk as Ivan. All 26 had been shown a montage of photographs, one of them of Demjanjuk, and none could identify him, even though the photos were arrayed in such a way as to make Demjanjuk stand out as the most likely "Ivan." In contrast, there were only *five* statements from Treblinka survivors who did claim that Demjanjuk was Ivan, again based on a suggestively displayed photo montage. Only these five were presented by the OSI as evidence.

The OSI spent \$100,000 to resist releasing the exculpatory material, after a Freedom of Information Act initiative by the Demjanjuk defense, but only *after* the case was already concluded. Demjanjuk defenders interviewed by ITV say this evidence is "devastating," and could have led to a "completely different" result, were it to have been made available while the trial was ongoing. They denounce OSI behavior as "ethically totally improper." Confronted with having made a "conscious decision" to withhold information, Ryan squirmed and denied, smugly but unconvincingly, that any such decision had been made.

2) The OSI threw into the garbage, the transcript of an interview conducted by former OSI associate director George

Garand with a senior Nazi SS official named Otto Horn in 1979. At that time, Horn had stated unequivocally that he could not identify Demjanjuk as Ivan. Later, however, in October 1986, Horn contradicted himself, and claimed that Demjanjuk was Ivan. That 1986 statement was entered into evidence by the prosecution, while the previous interview ended up in the garbage dumpster of a McDonald's hamburger restaurant across the street from the OSI's original office on K Street in Washington, D.C., and was only discovered because the janitor happened to be a Demjanjuk sympathizer!

3) The OSI never bothered to keep written records of testimony from senior SS operative Kurt Frantz, described by the OSI itself as the number-two man at Treblinka, with special responsibility for overseeing the work of Ukrainian concentration camp guards. In 1979, during questioning from the OSI, Frantz said he had never heard of Demjanjuk, nor did he know anything about him. Mysteriously, the OSI claims "no records were kept" of these statements. Ryan pleaded that he could not recall the Frantz affirmations.

4) The OSI sat for 10 years on evidence from a Soviet witness named Ignat Danilchenko, that would have placed Demjanjuk at another concentration camp, Sobibor, during the time that he was supposed to have been at Treblinka. Ryan, asked about this, stared incredulously and said, "The Danilchenko memorandum? As far as I am aware, everything was turned over." Danilchenko later died, in 1985, conveniently *before* the Demjanjuk trial in Israel began.

5) The OSI, immediately upon being founded in 1979, established the precedent of using information provided by the Soviets' chief legal officer, Roman Rodenko, who was notorious for fabricating evidence, including at the Nuremberg trials, where he concocted material to claim that the Nazis were behind the Katyn Forest murder of Polish officers. In the ITV broadcast, Rodenko is harshly denounced by a leading Polish archivist on Nazi war crimes, Jacek Wilczur, as "a murderer from his desk, like Hitler and his henchmen."

This OSI-Soviet cooperation gets to the heart of the what is particularly devious about the case against Demjanjuk. There is, for example, the matter of the Soviet-supplied "Trawniki ID card," which supposedly proves Demjanjuk's presence at Treblinka. A U.S. expert on forgeries, William Flynn, told ITV that he was forcibly prevented by the prosecution from carrying out a normal procedure that might have shown the card to be a forgery.

Also astonishing, is that the Demjanjuk case began in the first place when he was fingered by a pro-Soviet Ukrainian living in the United States named Michael Hanusiak, after Hanusiak returned to the U.S. from a visit to the Soviet Union. While in the U.S.S.R., he had been given a list of names by the Soviets, of Ukrainians living in the U.S. whom the Soviets claimed were "war criminals taking refuge." Hanusiak piously told the ITV interviewer that he had felt duty-bound to report this information to the authorities. Unfortu-

nately, Ryan and his ilk were all too eager to listen to such a tainted source.

Beyond the matter of the OSI, the show makes several other critical points.

Chief prosecution witness Eliahu Rosenberg, a survivor of Treblinka who swore in the Jerusalem court that Demjanjuk was the infamous Ivan, had signed a statement back in 1945, much closer in time to the actual events, strongly implying that Ivan had been killed in Treblinka, by a Jewish concentration camp Kapo.

Also, the photo-identification procedure used by the Israeli authorities is called into question by Willem A. Wagenaar, a professor of experimental psychology at the University of Leyden, Holland, who is a renowned specialist in this field (Wagenaar's 1988 book, *Identifying Ivan*, is a devastatingly thorough account of the shoddy methods by which Demjanjuk was "identified"). Wagenaar told ITV that the procedure used by the Israeli police was "the poorest I've ever seen." Former Attorney General Haim Cohen expressed his doubts about the reliability of testimony provided by eyewitnesses to extremely emotional events, so many years after the events occurred.

'Nazi hunters' set their sights on New Zealand

The Simon Wiesenthal Center of Los Angeles, a self-defined "Nazi-hunting" organization closely associated with Canadian liquor baron Edgar Bronfman, president of the World Jewish Congress, has launched a new hoax designed to force New Zealand to change its criminal code, which functions under the common law system of the British Commonwealth.

On May 16, the center (which is not run by the Vienna-based Simon Wiesenthal, and is often at odds with his views) announced that it had sent a list of 10 alleged fugitive Nazi war criminals to the New Zealand government. These "fugitives," it claimed, had been hiding out in New Zealand all these years. No evidence whatsoever was released to prove the accusations.

For such reasons, New Zealand Prime Minister Geoffrey Palmer said that the Wiesenthal Center's action had made "the law enforcement job in New Zealand much more difficult." He warned against "witchhunts," and called for an "atmosphere of calmness and deliberation which ensures that justice be done."

Other Israelis raised doubts about the court's verdict of guilty—for example, the Israeli writer Tom Segev, author of the book *The Commandants of the Nazi Concentration Camps*. Related to this, is the disturbing matter of the strange death of chief defense lawyer Dov Eytan, who was found dead after having supposedly jumped out of a 14th-story window in 1988, only days before the appeal was originally to have been heard. Eytan was a prominent member of the Israeli legal community. His wife informed the interviewers that Eytan, as well as herself and their children, were repeatedly targets of threatening phone calls, death threats, etc. Demjanjuk's son-in-law Edward Nishnic told ITV that he believes Eytan was killed.

'Hitler will have had the last laugh'

The show has drawn positive commentary in Britain.

A reviewer for the British daily the *Independent* May 16 commented that, in the face of the evidence provided by ITV, "It is hard not to bend before a conspiracy theory. . . . If I were a member of the prosecution, I would be strongly considering an early bath."

On May 18, British Jewish writer Barbara Amiel com-

mented in her column in the *Times*: "When the Demjanjuk case first surfaced in the United States, Office of Special Investigations officials made two statements: first, that the OSI had total confidence in Soviet evidence and, secondly, that if the Soviets ever forged a document, the OSI would be able to detect it. Both statements were individually untrue and mutually exclusive. . . . Those two statements told me almost everything one needs to know about the prosecution. When the ITV program revealed the extent to which the OSI had tried to withhold evidence helpful to Demjanjuk's defense team, I was not surprised.

"The second problem I had with the case was based on my understanding of the character of Ivan the Terrible. As a guard, he had stood out at the Treblinka death camp for his wickedness. That is like standing out in hell for your evil. Among other things, Ivan was an alcoholic, a psychotic and a compulsive sadist who quite literally cut off ears and mutilated bodies of gassed Jews. If Ivan the Terrible had made the transition overnight into churchgoer and sober family man John Demjanjuk, he would make psychiatric history. The high degree of unlikelihood raises a *prima facie* doubt not put at rest by the incomplete case against Demjanjuk.

The announcement of the existence of the list has been timed with an international campaign, based in Moscow, London, Jerusalem, and Washington, which is demanding that New Zealand create its own version of the U.S. Justice Department's Office of Special Investigation (OSI), its "Nazi-hunting" arm.

What the witchhunters demand

What do the forces behind the Wiesenthal Center smear want? First of all, New Zealand law does not provide for prosecuting its naturalized citizens for crimes allegedly committed in another country prior to the point that they became citizens. To do otherwise would be to violate the principle of sovereignty—but that is what the center and its patrons are demanding.

Then there is the question of the admissibility of evidence originating in Soviet courts—the source for almost all the recent accusations against "Nazi fugitives." Soviet documents are notoriously forged. Soviet witnesses are usually either professional liars, or forced to lie to evade torture. To even admit such "evidence," as the United States now does, is itself a violation of international law.

Then there is the question of extraditing alleged Nazis to the Soviet Union. One such alleged "war criminal," the Latvian-American Karl Linnas, was illegally extradited by the OSI and sent to a Russian jail in 1987. He died of a "heart attack" in prison a few months later. Ukrainian-

American John Demjanjuk is currently appealing a death sentence in Israel—for crimes he never committed.

The Wiesenthal Center propaganda campaign has had its effects. Solicitor General John McGrath has announced that he will provide the New Zealand government with an "urgent legal opinion" in respect to the charges. At issue, the government admits, is whether there is a need to change New Zealand law either to extradite war criminals or try them in New Zealand.

Smearing Lithuania

That the two New Zealanders on the hit-list who are most cited by the center are of Lithuanian origin, is no surprise. Ever since the new government of Lithuania repudiated Russian rule, the professional "Nazi hunters" have begun an international campaign of vilification, claiming that the Lithuanian independence movement has Nazi origins.

For example, on April 6, the *Jewish Heritage* of Los Angeles, a paper closely affiliated with the Wiesenthal Center, ran an editorial entitled "Amnesia in Lithuania: History of Nazi collaboration ignored." The editorial demands that Lithuanian President Vytautas Landsbergis "dissociate himself from Lithuanian Nazi collaborators." It lies that no Lithuanian nationalists ever fought the Germans, and claims—as do the Soviets—that the only resistance came from Jews and Soviet partisans.

—Joseph Brewda

Now a man who may be innocent is under sentence of death. If the Israelis execute him, Hitler will have had the last laugh."

She concluded by saying that the Demjanjuk case is one good argument against legislating a new "war crimes bill" in Britain, and expressing the hope that the House of Lords will vote down such a bill.

The May 27 *Sunday Times* of London published a similar commentary, written by senior editor and noted Oxford historian Norman Stone. Without directly referencing the ITV show, Stone stated that the Demjanjuk case in Israel should only reinforce the argument against having war crimes trials in Britain. The evidence used against Demjanjuk, Stone noted, is "mostly Soviet, coming from people who are skilled in forging evidence," while the chief informant on the Soviet side was "the man who tried to make out at Nuremberg that Stalin's killing of Polish officers at Katyn was really a German atrocity." With such miscarriages of justice in mind, Stone advised: "British legislators should think carefully of the consequences of their actions: they are not in business to discredit the law." To legislate war crimes trials in Britain would be "counterproductive."

Stone affirmed: "And I do not believe that war crimes trials would do anything to improve the position of people of Jewish origin in Europe. Yes, there is still anti-Semitism. Most of it is harmless—a matter of sniggering at the preponderance of Jews in showbiz—and some of it is just a matter of clumsy phraseology. But relations between Jews and non-Jews are better than they have ever been, and that is also true of Eastern Europe. . . . Scares about a rise of anti-Semitism are overdone; there is now a serious chance, in Eastern and Western Europe, for Jews and non-Jews to work together, and I doubt if the spectacle of some old men, of doubtful identity, brought before the wrong courts in the wrong country, will do any good to that cause. . . . We could do without the whole wretched thing."

'From the prison in which the politician's career expires, the influence of the statesman is raised toward the summits of his life's providential course. Since Solon, the Socratic method has become the mark of the great Western statesman. Without the reemergence of that leadership, our imperiled civilization will not survive this century's waning years.'

—Lyndon H. LaRouche, Jr.

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Presidential Elections in Colombia

Gaviria gets mandate

by José Restrepo

Despite the environment of wholesale terror created by the drug cartels in an attempt to sabotage Colombia's presidential elections, millions of Colombians braved the terrorists' intimidation on May 27 to vote into office the one presidential candidate who has pledged to continue the country's war to the death against the drug cartels.

"We will defeat narco-terrorism," said Liberal Party victor César Gaviria Trujillo in his first statement to the nation after learning the election results. The battle against the drug trade "will be fought in defense of our fundamental principles," he pledged, adding that his victory was also the victory of his predecessor Luis Carlos Galán, murdered by the drug mafia in August 1989. It was Galán's son who called on Gaviria to take up his father's banner and carry it into the presidency.

In pre-election campaign speeches, Gaviria told foreign correspondents, "No society can lose the fight against terrorism without risk of dissolving. I am in favor of facing up to terrorism, without making concessions to it."

The drug mafia's number-one enemy

As the number-one target of the mafia's assassin teams, Gaviria was forced to campaign under brutal conditions. Perpetually surrounded by an army of bodyguards, always accompanied by an ambulance, he could not make public appearances. Since last fall, three presidential candidates have been felled by mafia bullets. Gaviria's own campaign manager in the city of Medellín was slain just two weeks before election day. The remaining candidates—Alvaro Gómez Hurtado, Rodrigo Lloreda Caicedo, and Antonio Navarro Wolf—had all offered negotiations with the cartels, suspension of extraditions, and legalization of the drug trade as their campaign promises.

In the week prior to the election, car-bombs had been triggered in at least three major cities, killing 40 and injuring scores more at randomly chosen populated areas. The traffickers had threatened to bomb voting booths, and pledged to wipe the city of Pereira—Gaviria's hometown—from the map should Gaviria win the presidency. Rumors of mafia hit-teams roaming city streets began to circulate. People were terrified to leave their homes.

But on May 27, some 6 million Colombians went to the