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Interview: John Demjanjuk, Jr.

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## Defendant's son indicts OSI role in 'Ivan the Terrible' show-trial

*The John Demjanjuk "Ivan the Terrible" case concluded in a Jerusalem court on Feb. 18, amidst startling new contentions by the defense that the U.S. Justice Department Office of Special Investigations had been withholding important documents from the defense, and that one OSI document finally released three weeks before the end of the case, had not been allowed to be used by the defense lawyers. On Feb. 19, EIR's Mark Burdman spoke on the record to John Demjanjuk, Jr., the 22-year-old son of the defendant, in a telephone interview from Jerusalem.*

**EIR:** One key element in this case, is that certain evidence has not been allowed to be brought forward by the defense. The court, we saw from published reports, did not allow discussion, for example, of Armand Hammer's role in obtaining documents from the Soviets, and now I see a report in the London *Times* today, that the U.S. Justice Department Office of Special Investigations has denied information to the defense, despite efforts on the part of the defense to obtain them.

**Demjanjuk:** This is absolutely correct. The court did not allow any discussion of Armand Hammer. On the OSI, as a matter of fact, we went through a Freedom of Information Act [FOIA] proceeding against the OSI. We were finally given some information. But there are a number of investigative reports on this case. They have concealed these reports. We have tried to obtain discretionary release. In Washington, our lawyer, John Broadley, is making a fight for FOIA release. He made a request directly to Meese, which went down the DOJ, for discretionary release. They are not public. They contain information which would be interviews, with Richard Glaser of Switzerland, a Treblinka survivor, also with Kurt Franz, a Treblinka commandant. When we sued them under FOIA, the judge ruled that they were attorney work-products. We are looking into reopening the proceedings. . . .

**EIR:** So you would say that the next step of your legal battle, your appeals if necessary, would be in the United States?

**Demjanjuk:** It all boils down to that. The Soviet accusation and the Israeli and U.S. accusations are contradictory. One document received by the OSI from the Soviets, is testimony

from Danil Chenko, who puts John Demjanjuk in the Sobibor camp, at the same time that my father is being accused of having been at Treblinka. On the ID card supposedly identifying my father as having been at Treblinka: We had the best experts, Dr. Julius Grant from Britain, and Flynn from Arizona, who testified against the document being authentic.

One end result of the way the trial was conducted, was that the Treblinka survivor witnesses never had a valid test of memory. Dr. Wagener of the Netherlands, an expert in this field, said that the procedures used by the Israeli police used photographs which were suggestive to begin with. The procedures were also suggestive. So, there was no test of memory of the survivors. And *that's* the bottom line of the case, even more than the identification card question. We have proven this point as well, with numerous precedents from Israeli law. It was *so* suggestive, that the prosecution never even brought this point into their case, but put forth a *different* argument, that no photo spreads were even necessary in this case—despite the fact that this case involves remembering things that occurred 40 years ago. There was *no* relevant argument as far as the suggestiveness of the photo spreads and the police were concerned. So, we are left with a Soviet-supplied ID card, analyzed by leading document examiners who testify against its authenticity.

**EIR:** Isn't it clear that, as far as the Soviets are concerned in this case, they have a vested interest in targeting Ukrainians and other emigrés from Eastern Europe, tarring them with the accusation of being "Nazi criminals," to discredit the communities in the West?

**Demjanjuk:** Sure, we had a witness who was a Soviet-emigré expert on the KGB, Avraham Shifrin, who testified on the motives of the KGB. He said they clearly have the ability to produce any documents they want, and they have the motive as well. He said there is a specific department within the KGB for Ukrainians.

**EIR:** Hasn't one of the exceptional aspects of this case been the behavior of the OSI, the bringing into the U.S. system of Soviet methods of evidence, etc.?

**Demjanjuk:** In this case, there was never a criminal proceeding, but only a *civil* burden of proof was used. Canada

is now looking at this very closely. There was no criminal burden of proof. There was no basis for extradition, and that has been one of the difficulties in this trial. Originally, I think, Israel did not want anything to do with Demjanjuk. The United States put pressure on Israel on this, that's the feeling I get from talking to people. Originally, the idea was to deport my father to the Soviet Union; only then did Israel jump in. In the United States, the OSI, knowing of the *exonerative* materials, and that my father would certainly be executed in the Soviet Union, was concerned that a later exoneration would create a big scandal, that the U.S. government had committed fraud. Conveniently, Israel stepped in and took the burden.

Israel, I think, was convinced that it was an open-and-shut case. They were wrong, as they have since learned. The original information was all done by the OSI. Throughout the trial, the OSI was working hard with the prosecution here, while we have had no access to documents we wanted, even though we had a legal right to them.

Take the case of Poland, the foreign archives there. We have no access to them, although there are 9,000 pages of Treblinka documents in Warsaw, and we cannot get the documents. The foreign ministry in Israel has done nothing to help on this. By sheer luck, we received a document from the Jewish Historical Institute in Poland, in which Eliayu Rosenberg, a Treblinka survivor, in his own handwriting, had said that "Ivan" had been killed. However, in the trial now, he said this was just something he heard in the woods.

**EIR:** What do you mean by sheer luck?

**Demjanjuk:** We didn't want to get them the way we did. Our attorneys had to physically go there. We had made requests through the Israeli prosecutors, to Poland, and they were always denied. It took fights with the Jewish Historical Institute, the institute director, and eventually, these documents were produced. We have received no cooperation at all. We should have had full access to what we needed. The prosecution, they have had full access. For example, there were trials of former Nazis in Dusseldorf and Frankfurt, and we have had no access to the trial proceedings. You need an okay from the provincial court there. But we could not get the foreign ministry in Israel to make a motion with the foreign ministry in Germany to get the documents. There have been numerous investigations about this case. But the full evidence has not been in the court.

The evidence in this case has been a joke. Probably, one of the most important aspects of this case, is the unfairness of the trial. Through leaks, we learned of numerous survivors from Treblinka who have testimony, and who could not identify John Demjanjuk as "Ivan." Take the Rosenberg testimony. It was their responsibility, the prosecution; that was their witness. This document from the Polish archive should have been presented as a document to the court. This is not a fair trial. We have been denied funds by the state of Israel,

which we should have gotten, to continue research, to pay attorneys. We have been denied the slightest help, other than translators' bureaus. We're over \$150,000 in debt. A great deal of our time is taken away from investigations, to do fundraising. But, whatever it takes, we will get the documents, and we will get into the archives.

If my father is found guilty, this will not only be a tragedy for Demjanjuk, but for Israel. One year from now, or 50 years from now, this will come back to the state of Israel. I am sure that a great deal of the world outside Israel does not believe this case, and that will hurt Israel. Once the issues are brought to the front, it will be easy to show what has happened. From the material we know exists at OSI, via discretionary intervention and leaks, we know that my father should not have been extradited. This could have been stopped in 1980. This has been a selective prosecution. Documents have been turned away that could have helped. They have only been looking for incriminating evidence.

**EIR:** Can you say some words about what you think the result will be? Is there any chance of acquittal?

**Demjanjuk:** Throughout the trial, the judges who are now deciding have been the center of focus of what has been going on. We'll have their decision soon, and, hopefully, it will be for the good of Israel and for justice in the world.

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