
Interview: Edward Nishnic

Battle for justice in the case of Soviet target, John Demjanjuk

by Irene Beaudry

Cleveland autoworker John Demjanjuk, accused of being the "Ivan the Terrible" guard of the Nazis' Treblinka death camp, was imprisoned the day after Easter, 1985. He was kept in prison while awaiting a decision from the extradition court and then in February 1986 was extradited to Ramala, Israel to the Ayalon Prison. He is kept in a totally isolated area, basically solitary confinement with the exception of his three guards who monitor him 24 hours a day. Mr. Demjanjuk was sentenced to death by hanging. If his appeal, which is to be heard May 14, 1990 fails, then the sentence could be carried out within weeks. The following interview was conducted on Nov. 6 with Mr. Demjanjuk's son-in-law, Edward Nishnic.

EIR: As recently as two weeks ago U.S. Attorney General Thornburgh with members of the Justice Department's Office of Special Investigations [OSI], traveled to Moscow to establish even closer collaboration than before. There seems to be a joint KGB-OSI operation to intimidate East Europeans in the West. Would you say that the prosecution of John Demjanjuk is part of it?

Nishnic: The original allegations against Mr. Demjanjuk surfaced in a Soviet propaganda publication from New York City in 1976, entitled *News From Ukraine*, or *The Soviet Way*. This is a newspaper written by Mr. Michael Hanusiak, who is very cozy with the Communist Party in the United States. This same newspaper is responsible for branding other innocent Ukrainians as Nazi collaborators, such as Ivan Stebelsky of Denver, Colorado, who was accused of murdering numerous Jews, and after a trial, it was proven he was actually saving Jews.

Also, a federal member of parliament in Canada, Mr. Yuri Shymko, was accused by the same publication of being a Nazi collaborator. This was during an election campaign. Mr. Shymko, who last year was elected president of the World Congress of Free Ukrainians, headquartered in Toronto, Canada, addressed those allegations and proved that he was a seven year old boy at the time they said he was a collaborator.

The first set of allegations against John Demjanjuk came out in 1976 and then in 1977 he was charged. In 1978, on

Aug. 25, [Rep.] Joshua Eilberg [D-Pa.] wrote a letter to the attorney general at the time, Griffin Bell, requesting that the Department of Justice take the Demjanjuk case from the hands of the INS [Immigration and Naturalization Service] and place it into the hands of the Special Litigation Unit. Eilberg concluded his letter saying, "We cannot afford the risk of losing another decision."

There were a few cases when this thing started. In 1978 there was the case of Tscherim Soobzokov, who was acquitted, the case of Fedorenko, which had the exact same witnesses used in the Demjanjuk case—and the judge did not believe them in the Fedorenko case. Then the Special Litigation Unit had Frank Walus on trial. They had three losses under their belt. The next in line was Demjanjuk.

So, based on this information, the allegations came that Mr. Demjanjuk was, number one, a traitor to the motherland, and number two, a Hitlerite henchman from the camp Sobibor. Note I said Sobibor and not Treblinka. In this article was the first time ever seen or released in the press in the West or anywhere else, this alleged identity card which came with the set of allegations that Mr. Demjanjuk was in Sobibor which is 175 miles from Treblinka. The Immigration and Nationalization Service immediately began to investigate this, interviewing Jewish Sobibor survivors, other guards, etc. Nobody but nobody could identify Mr. Demjanjuk as being in Sobibor.

At the same time, the OSI was investigating the Fedorenko case. They sent photographs of Fedorenko, Demjanjuk, and others to the State of Israel. The Israeli investigating authorities prepared an extremely suggestive photospread with the largest and clearest photo being that of Mr. Demjanjuk, strategically placed right next to that of the known Treblinka guard, Feodor Fedorenko, and claimed that Demjanjuk reminded them of "Ivan the Terrible" who was present at Treblinka from September '42 through August '43. As a result of this identification procedure, the OSI was faced with an irreconcilable dilemma. On the one hand, the OSI had an allegation from an alleged Soviet witness who claimed to be with Demjanjuk from March '43 until April '45 together with a document, the so-called Trawniki ID card, to support its

allegation. On the other hand, the OSI had five Treblinka survivors who claimed Mr. Demjanjuk was in their camp from Sept. '42 through August '43.

I believe at this time, a conscious decision was made to keep the identity card, conceal the alleged eyewitness testimony that came with this identity card concerning another camp, and apply the identity card to the Treblinka survivors.

EIR: Has Mr. Demjanjuk's appeal been postponed?

Nishnic: The Supreme Court of Israel had agreed to allow the defense to have a delay in the appeal until May 14. The appeal was to have been heard Nov. 1. Now, over and above agreeing to the delay in the proceedings, they also had accepted new evidence that will help Mr. Demjanjuk's case, and actually, it's in total contradiction with the findings of fact of the district court in Jerusalem.

The new evidence that was accepted by the court was testimony taken here in Cleveland, Ohio in 1981 of a Treblinka survivor by the name of George Rajgrodzky. He was a Treblinka survivor from West Germany who came to the United States and identified Mr. Demjanjuk as being this Ivan the Terrible. The significance of his testimony in 1981 is as follows: First of all, George Rajgrodzky died sometime after his testimony. Under Article 15 of Israeli law, the past testimony of a witness, now dead, can be admitted as evidence. During the '81 trial, Rajgrodzky was asked whether he played the violin for the guards. Rajgrodzky clearly answered, "This was in the summer of 1943." The summer of 1943 could only have meant May, June, or July, because the inmate uprising took place on Aug. 2, 1943.

This is important to Mr. Demjanjuk's defense because at the end of the Israeli District Court proceedings, through a court order we were finally able to extract the Soviet interrogation report from the Justice Department's Office of Special Investigations. This was a report supplied by the Soviet KGB which alleged that a man named H. Danilchenko claimed that he was with Demjanjuk from March of 1943 through April of 1945. Although we don't believe the Danilchenko statement to be true, we submitted it to the court to illustrate that now we have two separate sets of eyewitnesses that identify Demjanjuk as being in the same place. It would raise the issue of doubt. After all, every one of the Treblinka survivors testified clearly that they saw Ivan the Terrible every single day from September 1942 through Aug. 2, 1943, every day.

Now, when we did present this evidence to the court, the judges were faced with a heck of a dilemma and that was, how do we justify one man being in two places at once with two separate sets of eyewitnesses? And they clarified that. They said they're both correct! That John certainly was Ivan the Terrible from September 1942 but only until February 1943 and even though the eyewitnesses say they saw Ivan until the very last day of Aug. 2, 1943, they only thought

they saw Ivan, this arch-criminal of Treblinka. But in reality, he was already gone to where he had been transformed into Ivan the Less Terrible of Sobibor Camp.

The judges say he departed Treblinka in February and then actually returned to Treblinka sometime after Aug. 2, 1943 when the Jewish inmates revolted. Now Rajgrodzky, the testimony we just submitted, claims that he played the violin for Ivan in the summer of 1943 but according to the verdict, Ivan was not even in Treblinka. So this is significant to show how implausible the judges' conclusions were concerning two separate sets of evidence.

Another interesting piece of evidence that was submitted to the court were internal Justice Department memoranda and also a record of an interview report which was located in the Office of Special Investigations garbage dumpsters behind their building.

It has recently come to our attention that during the latter part of 1985, 1986, and 1987, certain individuals were pulling garbage bags out of the dumpsters behind OSI's old office on K Street in Washington, D.C. Recently, a large portion of this garbage was turned over to us. In this garbage we found original documents.

These documents tied directly into the identification of the only non-survivor witness from Treblinka and he was an SS man by the name of Otto Horn. What was shocking to us was that the contemporaneous documents that were pulled out of the trash dumpsters were wholly inconsistent with the testimony given in 1981 by Otto Horn before Mr. Demjanjuk was denaturalized. In other words, if these documents were produced in 1981 it would have clearly shown, without a doubt, that Otto Horn had been perjured. He actually did not identify Mr. Demjanjuk as the prosecution led the court to believe he did.

This is the main problem that's involved in these kinds of trials, that they are held in civil court, not in criminal court. In other words, the OSI levels unproven heinous war criminal activities against fingered individuals, many of whom were originally fingered by the Soviet Union and they take them to trial in federal civil proceedings. They are not afforded a trial by jury, they are not afforded any counsel, any financial assistance whatsoever, and they drag these cases on with unlimited funding against just regular people who cannot afford to defend themselves and in the end, the person will eventually lose, because what has to be proven in these cases is that they falsified their immigration papers to enter into this country. They lied. Mr. Demjanjuk did lie to come into this country like tens of thousands of other naturalized American citizens. He lied because he was afraid to be forcibly repatriated back to the Soviet Union.

EIR: Wasn't there a deal worked out after the war?

Nishnic: Yes, it took place in the Yalta agreement. One of the programs was called Operation Keelhaul where the United States and the Allied forces beat, drugged, and threw

people who were "ex-Soviet citizens" back to Stalin. The great majority of these people were fighting originally with the Red Army and had been taken prisoner and then began to fight against Stalin. With the stroke of a pen about 2 million people were sent back and they never returned.

Mr. Demjanjuk, like tens of thousands of others, knew that he could not say to the U.S. Immigration that he belonged to Soviet-occupied Ukraine. They could not acknowledge this, at least, they could not acknowledge this any time before or after the year 1939. Mr. Demjanjuk's big lie was that he said he was in Poland as a farmer from 1937 until 1945 which beats by two years what would have sent him back to the Soviet Union.

We thought the court would look at this seriously because there are examples of people who jumped off the repatriation train knowing what would happen to them when they got back because the Soviets have what is called the bullet law, and that is, you are not to be taken prisoner, you're to save one bullet and that is to kill yourself. Anyone that had been taken prisoner was classified a traitor in the Soviet Union which is punishable by death. John certainly wanted to save his life. He had no love lost for Stalin or his henchmen primarily because of what had taken place in 1932-33 in Ukraine, which was the forced famine in Ukraine, the forced collectivization where 9-10 million Ukrainians were starved to death, totally starved to death by Stalin, Kaganovitch, and their known accomplices.

In my opinion, if this kind of travesty can take place in this God-blessed America, then we are, in fact, a captive nation. When we have the truth on our side and people are going out of their way to avoid this truth, then, we are a captive nation.

Luckily there was for us one Congressman on all of Capitol Hill that decided to stop and take a stand on this case and he is a Democrat from Youngstown, Ohio, James A. Traficant, Jr. Three times he has put into the *Congressional Record* his concerns over the Demjanjuk case.

EIR: A very nasty operation that tries to stop people from getting the truth out, is the ADL [Anti-Defamation League of B'nai B'rith], better known as the American Drug Lobby. This outfit uses pressure and dirty tricks to intimidate people. It will be interesting to see how far Traficant will go. Clearly, without an international movement for justice no one individual could stand up to fight against such injustice.

Nishnic: Yes, certainly we are in, strategically, the best position we could be in right now, but financially, we are in the worst position. As of this date, we are over \$140,000 in debt. We don't even know how we are going to get through tomorrow. Our phone is usually disconnected two out of every three months for lack of payments and there are only two of us left running this operation which is my brother-in-law, John Demjanjuk, Jr. and myself.

The only way that we have been keeping the ship afloat

is by the contributions from people out there who are interested in seeing that justice is done and trying to help the little guy, us in this case, fight against three superpowers, meaning, the United States OSI, the Israeli government as well as the Soviets who started this in the first place. It's very difficult and next to impossible, but we feel with the truth on our side and the help of Almighty God and people out there who are interested in helping the little guy, we will prevail eventually, be it in Mr. Demjanjuk's lifetime or afterwards. But we hope it will be done before this horrible, horrible tragedy of hanging Mr. Demjanjuk for crimes that he did not do, takes place.

We have opened up the John Demjanjuk Defense Fund in Cleveland, Ohio, with a local bank. It is at a lock box number, P.O. Box 92819, Cleveland, Ohio 44192. I really hope and pray that some of your readers out there will help us to win this case and see that justice is done. I don't believe this is just a simple case of three superpowers against John Demjanjuk. This case should ring home to every American citizen, because if this can be done to Mr. Demjanjuk, who we know is an innocent man, it can be done to anyone.

EIR: Is it because of these documents found in the garbage that you now are being gone after by the OSI?

Nishnic: Yes, as a matter of fact, I found this to be a bit odd. Because of the fact that we received these documents after the OSI had thrown them into their trash, we are now giving them back to the Justice Department. Only this time, through the courts, so that our judicial system will be aware of what can happen when a group of overzealous prosecutors become advocates of a cause, rather than seekers of justice. On Sept. 13, 1989 we submitted a motion for extraordinary relief before Judge Louis Oberdorfer who had heard my original Freedom of Information case which is *Nishnic v. Department of Justice* 86-2802.

Basically, what we asked the judge to do is to produce statements of five separate individuals that we know the Justice Department was in contact with. Number one, specifically, was Otto Horn, whose contemporaneous report we plucked out of the garbage can. Number two, was a man by the name of Franz Suchomel, who was a SS man in Treblinka, a sergeant who in August of 1943 transferred to Trieste, Italy to the Risiera di San Sabba concentration camp. Interestingly enough, in 1977, Franz Suchomel was interviewed by an Italian author, Pier Arrigo Carnier, who wrote a book on the Risiera di San Sabba, and in this interview Suchomel clearly told this author that Ivan the Terrible of Treblinka, after the revolt of August 1943, was sent to Trieste, Italy and was probably killed in 1945 by the partisans in Italy.

Now we find this to be pretty amazing, but what is more amazing is that the OSI had interviewed Franz Suchomel in Germany in 1979, which was two years after he had told this Italian writer all about Ivan in Trieste. In fact, the OSI also

showed Suchomel a photograph of Demjanjuk, the immigration photo which made Demjanjuk 32 years old and Suchomel failed to identify Demjanjuk as this Ivan the Terrible.

In this complaint we are asking the Justice Department to produce the statements of Suchomel, also the statements of Kurt Franz who was the commandant, the second lieutenant in Treblinka wholly responsible for what they call the Ukrainian guard unit, although there is much wondering if they didn't distinguish between Ukrainian or Russian.

Now Kurt Franz also knew Ivan the Terrible very well. We've learned that in the past and recently the OSI had gone to see Kurt Franz in 1979 before Mr. Demjanjuk was denaturalized. They showed him an older picture of Mr. Demjanjuk and Kurt Franz failed to identify him as Ivan the Terrible. We want the record of interview report as to what Franz told them exactly. Also we want the interview report of Richard Glazar who is a Jewish Treblinka survivor who now lives in Switzerland.

The third part of our request was to have the Attorney General of the United States contact the Ministry of Justice of the State of Israel, either directly or through the State Department as may be appropriate, and tell them that the U.S. Department of Justice OSI has withheld relevant documents regarding the Demjanjuk case from also the State of Israel, and in case these documents have been destroyed, a detailed explanation as to the destruction of these documents. A description of these documents will be given to the Ministry of Justice of the State of Israel when it is supplied to us, the plaintiffs, and the court.

The OSI and Neal Sher are now accusing me of having knowledge of an "unknown confederate" working inside of the OSI and planting garbage bags into dumpsters for people to retrieve.

These latest allegations indicate just how desperate the OSI is getting. I now learn that the garbage situation has been the subject of a year-long investigation by the Justice Department's Office of Professional Responsibility and the FBI. Evidently, Neal Sher claimed that the documents were stolen. I believe Mr. Sher knows that his claims and assertions are total fabrications or a figment of his imagination.

Perhaps the most effective way to get to the truth in this late stage of the Demjanjuk proceedings is to have both Mr. Sher and myself subject ourselves to the most sophisticated lie detector test available. I believe that then everyone would see who is telling the truth.

EIR: Is there a law suit against you?

Nishnic: No. Evidently, there is a continuing investigation concerning these trashed documents. The OSI is arrogant and obviously they feel they will not be held accountable for any of their misdeeds. However, the wheels of justice turn slowly. In our case, it has already been 13 years. In the end, we feel that our system of justice will prove that nobody, including the OSI, is above the law.

Lockerbie coverup may be cracking

by Jeffrey Steinberg

On Nov. 18, CBS News's "Saturday Night with Connie Chung" aired an interview with Rep. Jim Traficant (D-Oh.) in which the congressman repeated his demands for a full-scale probe into the CIA's coverup of the PanAm 103 bombing. Last Dec. 21, some 270 people were killed when the Pan American jet was blown out of the skies over Lockerbie, Scotland by a terrorist bomb. According to information first developed by investigators working for PanAm, Frankfurt-based agents of the CIA, the Israeli Mossad, and the West German Bundeskriminalamt (BKA) all had advance warning of the bomb plot by radical Arab terrorists sponsored by Syria and Iran, but failed to preempt the attack.

In the case of the CIA, Traficant charged that the local agents were actually protecting a drug running network run by a Syrian named Mansur al-Kassar. A well-known international arms dealer, al-Kassar has been publicly identified as an intimate of Syrian President Hafez al-Assad and his brother Rifaat.

While it initially appeared that the al-Kassar ring was protected as part of a continued effort by U.S. intelligence to obtain the release of the American hostages in Lebanon through intervention by Damascus, new evidence now suggests that even more sinister motives may have been involved in the coverup of the PanAm tragedy.

In several recent press conferences on Capitol Hill, Traficant charged that the Frankfurt-based CIA team may have wittingly permitted the massacre of hundreds of innocent citizens in order to silence a rival CIA team that had unearthed evidence of drug payoffs to the Frankfurt-based operatives. At least three CIA officials, including the deputy station chief in Beirut and a highly decorated Green Beret major, perished aboard Flight 103.

According to the PanAm investigators' report, which has now been widely circulated within the international press corps, Major McKee and CIA officer Gannon were in Lebanon directing an eight man "secret team" assigned to locate the American hostages and determine whether a rescue operation might be possible. According to sources close to the PanAm probe, the team unearthed extensive evidence showing that the CIA Frankfurt unit was profiteering from its deal with al-Kassar, and that al-Kassar was a major player in the Syrian drug-running operations built up in the Bekaa Valley since the late 1970s.

Reportedly, the U.S. Drug Enforcement Administration has assembled extensive evidence, including videotape foot-