

LETTERS:

War crimes trial issue

Daryl Hodes (AJT 6/5/88) misrepresents my position when he claims that I argue "against the prosecution of war criminals per se". If he read the submission of the Australian Federation of Ukrainian Organisations to the recent senate inquiry, my testimony before it and my article in *The Age*, he should be convinced of this.

The primary purposes of my article were to argue that Soviet evidence is not trustworthy, that there were legal irregularities surrounding the trial of John Demjanjuk and that negative ethnic stereotyping results from such trials (in many cases unwittingly).

I was asking why the Soviet witness Danilchenko, whose testimony (supplied to the OSI in 1979) swore that Demjanjuk was a fellow camp guard at Sobibor (not Treblinka), was not present at the trial in Israel? Why weren't Demjanjuk's lawyers allowed access to archives held in Poland? Why was he never given a trial by jury?

Why didn't the Israeli Government allow US documents expert William J. Flynn (who uncovered the Salt Lake City "White Salamander" forgery-murder case) to lift the photo on the identity card to examine its backside or to test

on the identity card to examine its backside or to test the glue fixing it to the card? Why did Judge Levin begin a speaking tour of the United States a mere six days after handing down the sentence? These are important questions regardless of Demjanjuk's guilt or innocence.

Mr Hodes regurgitates (if I may use the terminology he ascribed to me) Gitta Sereny's statement that "Demjanjuk's first defender was the Ukrainian community" which raised "about \$1.75 million" for the defence. Why didn't she also mention that one of the groups raising money was led by a Jewish businessman who lost his family in the Holocaust, but nevertheless felt that justice requires a credible defence. Curiously, she didn't extend this line to ask why legal aid wasn't extended by Israel, as it was to Eichmann, or how it would have looked if no defence had been mounted because of this?

It was an unfortunate consequence of the emotions surrounding the case that many Ukrainians ruled out the possibility that he could be guilty, while many Jews similarly ruled out the possibility that he might be innocent (right up to Shimon Perez). Some Ukrainians argued that Ukrainians collectively were being put on trial along with Demjanjuk — a line which was pursued by some of his fundraisers.

This contention was helped along by the fact that a deputy-speaker of the Knesset, Dov Ben Meir, wrote a letter to a Ukrainian-American organisation in which he stated that Israeli justice would prevail, and that "since the

vail, and that "since the days of Bogdan Chelmenitzky [sic], the Jewish people had a long score to settle with the Ukrainian people".

Despite this, the trial of Ukrainians view is not one which I share. However, it is clear that while there was much grassroots support for Demjanjuk in North America (due to the presumption of innocence in the face of a Soviet-supplied document which appears to have several question marks surrounding it) the mainstream umbrella organisations were not involved in the defence. A cautious wait-

and-see approach was adopted.

That situation seems to have changed since the handing down of the verdict. The World Congress of Free Ukrainians is concerned that the principle of reasonable doubt has been violated at the trial, and is establishing a commission to look into the case. Apart from Nikolai Tolstoy, President Ronald Reagan's ex-speech writer Patrick J. Buchanan and other columnists (like Bob McDonald of the *Toronto Sun* and Bob Santamaria of *The Australian*) and legal experts (like Lord Denning in the UK) have also questioned whether justice has been done.

Many Israelis have also questioned it. After the disgraceful treatment which he had been subjected to at the trial Tolstoy wrote that he was "consoled only by the astonishing extent of expressions of sympathy conveyed by members of the Israeli public, many of whom approached [him] in the court house or telephoned [his] hotel, urging

phoned [his] hotel, urging [him] repeatedly not to judge all Israelis by the travesty of justice in which [he] had participated". (Sunday Telegraph 13/12/87)

I also object to Mr Hodes' suggestion that the AFUO displayed "curiously extreme" behavior in asking Channel 10 to insert a comment at the end of the movie *Escape From Sobibor* which reminded viewers that the depiction of Ukrainian camp guards should not prejudice the memory of those Ukrainians who fought and died for freedom in World War II.

I wonder what adjective Mr Hodes could find to describe the behavior of the World Jewish Congress, which persuaded CBS in the United States to insert the following "special notice" at the beginning of the Reading Program script of the film circulated to schoolchildren: "Some of the dialogue contains prejudicial references to Jews and, again, should be interpreted in the historical context of actual events."

The continual references to camp guards in that film as Ukrainian guards is, in my view, Ukrainophobic (otherwise it is an excellent film). In the US the legal counsel of the World Jewish Congress, Eli M. Rosenbaum, wrote a letter to CBS in which he stated that the film is likely to engender hatred of Ukrainians as a people.

Since guards at the camp were made up of several nationalities drawn mainly from starving Red Army prisoners and German colonists in the USSR, it would be more appropriate to refer to them simply as "SS Wachmanner" (as

"SS Wachmanner" (as suggested by Rosenbaum).

Recently I read an account of the Soviet massacre in Vinnitsya, where some 10,000 Ukrainians were executed between 1937 and 1940. In it one of the witnesses said: "When the communists returned to Vinnitsya in 1944, Rapoport, the last NKVD chief" ordered the execution of 200 witnesses to the original crime (*The Black Deeds Of The Kremlin: A White Book*, 1953, p.429). It struck me that he had not said "Rapoport, the last Jewish NKVD chief". Why not? I think it is because the passage would have (rightly) been branded as anti-Semitic. Jews working in the NKVD in the 1930s and 1940s were no more representative of the Jewish people than were Ukrainians working as camp guards representative of the Ukrainian people.

If Mr Hodes thinks the AFUO has been too sensitive in its concern about ethnic slander, he should consider the following passage written about a decade ago by Suzanne Rutland in a study of the NSW Jewish Community (by S. Encel and B. Buckley): "The increase in anti-Semitism [since the 1930s] has been stimulated by non-Jewish migrants coming from areas such as the Ukraine where there is a long history of anti-Semitism. The community has, therefore, opposed migration which might be anti-Semitic by nature."

Unsubstantiated Ukrainophobia should be rejected by responsible Jewish leaders just as anti-Semitism should be rejected by their Ukrainian community coun-

should be rejected by their Ukrainian community counterparts. Some public denouncements (by former Executive Council of Australian Jewry [ECAJ] president Leslie Caplan and myself) have taken place, but there are too many examples of passivity in this regard.

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