

Twenty-eight witnesses have testified at the committal hearing of alleged war criminal Ivan Polyukhovich. A decision on whether he should stand trial is expected shortly. PETER HUGHES reports.

THE LAST of 28 witnesses from four countries completed testimony this week about Ivan Timofeyovich Polyukhovich, the Adelaide pensioner alleged to have been involved in the murder of 850 Jews during World War II, and to have murdered 24 people.

The committal hearing to decide whether the 75-year-old defendant should stand trial on these charges is expected to be completed within days, following testimony by several witnesses. .

Mr Polyukhovich was arrested in January 1990, the first person charged under amendments to Australia's War Crimes Act.

He is alleged to have committed the crimes in and around the Ukrainian villages of Serniki and Alexandrove between September 1942 and May 1943.

When the committal hearing opened in the Adelaide Magistrates Court last October, Mr Greg James, QC, heading the prosecution's team, said witnesses would describe how the defendant took part in driving Jewish people from the Serniki ghetto towards a mass grave where they were shot or beaten to death.

Witnesses would also be called, he said, to give evidence of the defendant personally murdering 24 men, women and children while collaborating with German forces annihilating Jews, gypsies and partisans in the Ukraine.

Mr James said it was alleged the defendant was known as Ivanechko in Serniki, where many people had nicknames, and the surname Polyukhovich was common.

He said witnesses, including relatives and acquaintances, would describe how the defendant had been a forest ranger before the war, and later belonged to the local Ukrainian police force used by the Germans to carry out the Nazi policy of extermination of Jewish people and others.

As part of the war crimes prosecution, it must be proven that the alleged crimes of Ivan Polyukhovich were in support of this policy.

The first evidence following the October opening was given by members of a team of Australian investigators, who told the court they had exhumed a mass grave on the outskirts of the village of Serniki in 1990.

The court was shown videos of a forest pit filled with human remains, which the prosecution claims is the grave the Jews of Serniki were marched to by Ivan Polyukhovich, and others, in 1942, and where the defendant allegedly murdered several people.

The hearing was told the grave contained more than 500 skeletons of men, women and children, including infants, who had been shot or clubbed to death and buried.

During this evidence, the defence questioned the involvement of Soviet officials in the case against Ivan Polyukhovich, claiming that Soviet authorities, then in control of Ukraine, had the opportunity to interfere with material taken from the grave, including spent ammunition allegedly of German origin.

Before the first stage of the committal ended in November last year, the war crimes investigator Sergeant Robert Reid alleged that Ivan Polyukhovich, on the day of his arrest at his Adelaide home, had said he was in Germany when the alleged mass killing of the Jews of Serniki took place.

Questions of memory, of events 50 years ago and of who took part in those events, have occupied many

hours of the hearing since the first overseas witness gave evidence in March.

Mr Abraham Dinerman, 64, from Rhode Island, New York, testified that he recognised Ivan Polyukhovich as the man Ivanechko he knew in Serniki, first as a game warden and later as a "volunteer" who carried a rifle.

He said he did not see the defendant kill or beat anyone. His description of alleged activities of the defendant was struck from the court record.

His brother, Nathan Dinerman, 65, from Massachusetts, testified that he recognised Ivan Polyukhovich as the man he had known as Ivanechko. He gave no evidence of Ivanechko committing a crime.

Mrs Pepi Cohen, 75, also of Massachusetts, whose mother, a sister, and the sister's infant daughter were allegedly murdered by the defendant, said she recognised the defendant, and the Ivanechko of Serniki, as one and the same man. She gave no evidence of seeing him harm anybody.

New York garment maker Mr Jack Krinick, and Toronto builder Mr Milton Turk, both 64, testified that Ivanechko was a man they feared in Serniki during World War II. Neither was asked if they could identify the war crimes defendant as that man. Both gave evidence of the alleged round-up and murder of Jews by German troops.

A Jewish man now living in Israel, mechanical engineer Mr Nathan Bobrov, 59, was the first witness to claim he saw Ivanechko kill a Jew, a man named Alter Botvinik. He also claimed he saw Ivanechko herd other Jews to a canal at rifle point, where he heard shots but did not see who fired. He was not asked if he could recognise the defendant as "Ivanechko". He said he had not been able to identify any person on a photo board shown to him by Australian investigators.

Mr Bobrov agreed he had told investigators in 1989 he had not seen Ivanechko kill Mr Botvinik. He claimed he had decided a year later to lift "a heavy burden" he had been carrying for not going to the aid of a fellow Jew, and reveal that he had seen Ivanechko kill Mr Botvinik.

Another Nathan Bobrov from Israel, the 62-year-old cousin of the previous witness, identified the defendant as the man he knew in Serniki as Ivanechko. He said that he had never seen Ivanechko kill anybody.

Mr Zalman Kaz, 70, who runs a coffee bar in Israel, said he used to see the war crimes defendant riding a bicycle to church on Sundays in Serniki.

Fyodor Grigoryvich Polyukhovich, 66, who is not related to the accused, was the first witness brought from the Ukraine for the hearing, and the first non-Jewish witness to tell of events.

He claimed he saw two Ukrainian policemen and Ivan Polyukhovich, whom he identified in court, lead a woman known as the "miller's daughter", and two children, into the mass grave at Serniki after a column of Jews had been marched past his house from the ghetto. He said he had heard shots which allegedly killed them, but had not seen the shooting.

After viewing a video, in which he appeared to claim Ivan Polyukhovich led the column of Jews to their deaths, and was beating them, he denied he had said this and denied he had seen this.

His video evidence filmed in Ukraine, and his evidence in Adelaide, like that of the other Ukrainian witnesses, was given through different interpreters.

Stephan Siderovich Polyukhovich, 69, a pensioner, who is not related to the defendant, said he could recognise the defendant in court, and that he also knew the defendant's wife, who was sitting beside "Ivanechko". He said he had seen the defendant in Serniki armed with "combat arms", like local police, before the mass killing of Jews, but had never seen him kill or harm anyone. When he saw the procession of Jews, the leader was the German commander.

Another Ukrainian pensioner, Ivan Ivanovich Bogatko, 70, testified that he had known the accused at the time of the occupation, the accused's brother, Dymtro, who had been shot by partisans, and another brother, Krylo, who had left Ukraine with the Germans. He gave evidence about the burial of a Jewish woman, her

daughter and grand-daughter, alleged to have been murdered by Ivan Polyukhovich. He said he did not see them die.

Sisters Anna Grigoryevna Polyukhovich, 57, (not related to the defendant) and Vera Grigoryevna Khestkoves, 61, gave evidence about seeing the march of the Jews and a pit dug near their family home. Neither gave testimony about Ivan Polyukhovich.

A relative of the defendant claimed he saw the defendant shoot dead two Jews, and then smash the head of a third with a rifle butt, near the village of Alexandrove in the autumn of 1942. Ivan Timofeyevich Polyukhovich, 63, a relative of the 75-year-old defendant by marriage, said his own nickname was "Grin". The nickname of the defendant, whom he recognised in court, was "Ivanechko". The witness alleged he saw the defendant set fire to his grandfather's house in 1943, and that in that year, the defendant "was no longer a forest warden, he was already a policeman".

Ekaterina Ivanova Bogatko, 60, said she was nine when she saw the defendant kill two Jewish women and an infant in a Ukrainian field in the summer of 1942. She said the women stripped to their underwear before Ivan Polyukhovich shot them in the back. The infant had rolled from the arms of one of the women and died. The witness said she was positive the defendant was the man Ivanenchko, who had visited her home in Alexandrove many times before the German invasion.

Ivan Andreyevich Polyukhovich, 68, testified that he was the brother of the defendant's present wife, Maria, and identified the couple in court. He said it was the first time he had seen them for nearly 50 years. He gave evidence of seeing the defendant armed with a sub-machinegun during the occupation.

A Ukrainian pensioner Ivan Dmitreyvich Turuk, 60, testified that he saw Ivan Polyukhovich shoot five people, including the witness's parents, in 1943. He claimed he recognised the defendant in court. The defence alleged the witness had been shown a photograph of the defendant in 1987, and his evidence was contaminated.

Another pensioner, Filip Ivanovich Polyukhovich, 71, not related to the accused, testified that, in a forest near Alexandrove in 1943, he found the body of a local man the accused is charged with killing.

Dimitri Ivanovich Kostykhovich, 68, alleged he saw Ivan Polyukhovich murder two Jewish boys and beat other Jews being marched to the death pit uncovered near the village of Serniki.

Stefan Romanovich Kolb, 62, the final witness from Ukraine to testify at the hearing, alleged he saw Ivan Polyukhovich shoot dead two Jewish women near Serniki in 1942 while dressed in a police or militia uniform with a swastika arm band. The witness said the defendant's wife was his aunt, and she once stopped the defendant shooting him.

After Mr Kolb's evidence, the prosecution said it would move to have a charge involving his testimony amended, and that several other charges against the defendant would be reviewed. When the hearing opened, the prosecution said Mr Kolb would say he saw Ivan Polyukhovich with a woman, heard a shot, and the woman's body was found later.

The death of several prospective witnesses, and the failure of several to appear, have resulted in no evidence being given on some of the 24 individual charges of murder against the defendant.