

BOB Greenwood, Australia's leading Nazi-hunter, claimed yesterday that the Australian Security Intelligence Organisation (ASIO) had actively recruited suspected Nazi war criminals during the Cold War years.

In a series of startling revelations, the eminent Queen's Counsel also told The Sun-Herald:

- * Federal Cabinet decided two weeks ago to ditch war crimes investigations because of petty bureaucratic jealousies and concerted political pressure with the upcoming Federal election.

- * The Federal Government had given him almost no chance of mounting any successful prosecutions and had been severely embarrassed by them.

- * The Government had banned him from gathering war crimes evidence against Iraqi dictator Saddam Hussein.

- * The war crimes investigative apparatus should be used to track down suspected war criminals from regimes such as Pol Pot's in Kampuchea and General Augusto Pinochet's in Chile.

Mr Greenwood resigned as director of the Special Investigations Unit (SIU) and returned to the Sydney Bar in April last year after four years of heading Australian investigations into Nazi war crimes.

His remarkable claims follow the Government's decision to pull the plug on the investigations.

The situation reached flashpoint over the Government's decision - taken on legal advice - to drop an inquiry into a fourth alleged Nazi war criminal, now living in Melbourne.

The so-called "fourth Nazi" allegedly was an officer in a Latvian unit involved in the murder of thousands of Jews in Riga and Minsk.

Justice Minister Senator Michael Tate said the Government would not provide funds for any further major war crimes investigations, even if names of more alleged Nazi war criminals were produced.

Senator Tate told a Senate Estimates Committee the war crimes investigations had cost more than \$20 million. A total of 834 cases had been investigated but only three prosecutions had been launched. One case was dismissed by an Adelaide magistrate in July and the other two prosecutions are continuing in Adelaide.

THE ASIO LINK

THE now defunct Special Investigations Unit (SIU) into war crimes was established in 1987 with Mr Greenwood as its first boss and it immediately became a lightning rod for controversy.

The SIU was set up following the report of a committee of inquiry, headed by Andrew Menzies, a former senior official of the Attorney-General's Department.

The Hawke Government had established the Menzies Committee in June 1986 as a direct result of the radio broadcast earlier that year of a major series of documentaries by Mark Aarons, documentary producer for the ABC.

Mr Aarons researched records held in the archives of many nations, in collaboration with Boston lawyer John Loftus, who had worked in the US Justice Department's Office of Special Investigations.

The subject of the documentaries was the infiltration of western countries by Nazi war criminals during the general confusion at the end of World War II

Most specifically, Mr Aarons canvassed claims that ASIO - like its counterparts in the other Allied countries - deliberately protected and recruited former Nazis during the Cold War years.

In 1989 Mr Aarons launched his book, *Sanctuary, Nazi Fugitives In Australia*, in which he claimed: "The cover-up and lies about their existence by successive governments and their active recruitment by ASIO is possibly the biggest scandal in Australia's post-war history."

In his introduction to *Sanctuary*, Isi Leibler, then president of the Executive Council of Australian Jewry, claimed ASIO "turned a blind eye to the crimes committed by some former Nazi migrants who arrived in Australia after World War II".

However, Andrew Menzies, in his report of November 1986, cleared ASIO of any possible association with war criminals.

But he did find that serious limitations in Australia's immigration and vetting systems had allowed suspected war criminals to slip into Australia.

Now, Mr Greenwood claims "ASIO had made a lot of use of these fellows". "I certainly found bits and pieces which convinced me they did use some of them after they got here," he said.

"A number of people were identified whom ASIO had used as agents because they were obvious right-wing, strong anti-communists.

"These agents joined up with various immigrant organisations to keep an eye on the lefties.

"The security people who did try to stop some of these people coming into Australia were snowed by the Immigration Department, whose policy was to fill up the ships.

"But once they were here, ASIO made use of them. We ended up with hundreds and hundreds of them."

THE IRAQI REBUFF

DURING the lead-up to the Gulf War in January 1991, some 30 Australian citizens were held hostage by Saddam Hussein's brutal regime.

"About that time I heard the US State Department was putting together a case against Hussein to try him as a war criminal," Mr Greenwood recalled.

"I was going to the US on other business and I specifically raised the possibility with Attorney-General Michael Duffy of finding out what progress the State Department had made.

"I suggested we could take statements from the Australians who had come back from Iraq while their memories were still fresh.

"This was because I could see the real possibility that Saddam Hussein would be tried.

"It would have taken a couple of investigators only a few weeks to get the Australian victims on record.

"But Duffy told me in no uncertain terms to keep my nose well and truly out of it."

A spokesman for Mr Duffy said yesterday it had been pointed out to Mr Greenwood that the SIU had been funded to investigate Nazi war criminals living in Australia - not other theatres of war, including Iraq.

POL POT'S HENCHMAN

CAMBODIAN artist Bunheang Ung was walking along a Sydney street when the nightmare of Pol Pot's "Killing Fields" came rushing back.

Bunheang had recognised a former Khymer Rouge official from his own village.

Dr Martin Stuart-Fox, who wrote *The Murderous Revolution* based on Bunheang's personal experiences, said the official had come from eastern Cambodia but had been "purged" early by his former masters.

"It was quite a shock for Bunheang to see someone walking down a Sydney street whom he's known in that former position of authority," Dr Stuart-Fox said.

"It is possible for former Khymer Rouge officials to have slipped across the border into camps which weren't under Khymer Rouge control and then found a way of getting to Australia or some other country."

Dr Chou Meng Tarr, who teaches sociology at Western Australia's Curtin University, said: "When I went back to Phnom Penh two or three years ago, one senior Government official told me that former Khymer Rouge who used to kill people were now living in Canberra."

Dr Adrian Vickers, lecturer in South-East Asian studies at Wollongong University, also believes it was "conceivable" that some lower-ranked Khymer Rouge had slipped into Australia.

Author Mark Aarons said it was a statistical certainty that some of the people who were "on the wrong side in a place like Cambodia between 1975-79 have slipped through here".

"There are also persistent rumours that some of General Pinochet's henchman in Chile have come to Australia," he said.

"Under our international obligations, we've got to deal with these criminals and the SIU is the only unit we have with any expertise in doing the sort of forensic and investigatory work required. Closing down the SIU is a statement not just about the political cynicism about there being no votes in old Nazis but is also a statement to the world that we don't care about the issue."

Mr Greenwood said he shared Mr Aaron's views and had always seen the war crimes legislation as a "foot in the door to something more comprehensive".

He said a proper program should have been introduced to "make sure that Australia was never again to be regarded as a haven for war criminals".

CANBERRA'S COLD SHOULDER

'THE bureaucrats were particularly against the whole business right from the start,' Mr Greenwood said.

"We got their noses out of joint" because, Mr Greenwood said, he had only ever been answerable to former Deputy Prime Minister and Attorney-General Lionel Bowen.

He said the main resistance came from within the Attorney-General's Department and also in Foreign Affairs "where there were a few people who got a bit panicky about me racing around signing treaties - but I managed to calm them down".

The Government's decision to ditch the war crimes investigations was a mixture of petty bureaucratic jealousy and a decline in political will following the departure of Mr Bowen and former Prime Minister Bob Hawke.

"While Tom Sherman (current National Crime Authority chairman) was there he virtually ran the Attorney-General's Department and while Bowen was Attorney-General no-one was game to say boo about it," said Mr Greenwood.

"Once Sherman went, the department started to flex its muscles and once Mr Duffy succeeded Mr Bowen he was completely snowed by the whole thing."

A spokesman for Mr Duffy yesterday denied the Attorney-General had been "snowed" by the bureaucracy, pointing out that the decision to disband the SIU had been taken two years ago by Federal Cabinet.

Mr Greenwood said the "fourth Nazi" case had been identified by Andrew Menzies and "when I took over all his material in 1987 it obviously looked like one of the most promising cases - and indeed it has proved to be".

He said his successor at the SIU, Graham Blewitt, and the Commonwealth Director of Public Prosecutions had agreed the "fourth Nazi" should be charged.

New evidence had been found in KGB files in Riga by Canadian investigators and the case could have been finalised after a few weeks of further overseas inquiries, he said.

But in June last year the SIU was disbanded - ironically according to Mr Greenwood's own timetable - and transformed into the more passive War Crimes Prosecution Unit. Mr Greenwood said this was when the bureaucracy moved quickly to shut down the investigations.

Mr Duffy agreed that the "fourth Nazi" case should not proceed and -despite concerted pressure from Jewish lobby groups - Cabinet confirmed his decision.

Mr Greenwood said: "A lot of resources have been put into the fourth prosecution and he's a very important target and is a far more serious offender than any of the three that we've previously charged."

DPP first assistant director Ian Bermingham told the Senate Estimates Committee the DPP had obtained the opinion of a senior barrister, former National Crime Authority head Peter Faris, QC, on the final case. He said Mr Faris indicated he considered there was a prima facie case against the man but the evidence was insufficient to warrant prosecution.

Isi Leibler, co-chairman of the World Jewish Congress's governing board, wrote a bitter letter to Mr Duffy on September 8 accusing the Government of not proceeding with the case for "primarily political" reasons. Mr Leibler said yesterday the decision left a "very bad taste in the mouth", even with some senior Government members.

The Israel-based Simon Wiesenthal Centre, which tracks Nazi war criminals, was equally appalled at the Government's decision to drop the case. Efraim Zuroff, director of the centre in Jerusalem, said: "It basically means the Australian Government's efforts to date were simply aimed at alleviating the pressure of public opinion.

"There has never been a western democratic government, with the exception of Israel and Germany for obvious reasons, which has of its own volition prosecuted suspected Nazi war criminals."

HISTORY OF THE SPECIAL INVESTIGATIONS UNIT

- * Set up in 1987 with funding to last for five years, to June 30, 1992. Bob Greenwood appointed director.
- * Greenwood began work with 70 names, which eventually grew to more than 800 investigations.
- * Investigations took Greenwood and his staff to Eastern Europe and the Middle East in search of evidence.
- * Greenwood resigned in April 1991 - three months before his contract was due to expire - following criticism of the cost of investigations and the lack of successful prosecutions.
- * Greenwood's deputy, Graham Blewitt, took over as director.
- * The SIU's five-year term ended in June 1992 and it became known as the War Crimes Prosecution Support Unit.
- * The SIU investigated 834 allegations of war crimes - at a total cost of \$20 million - but decided to take action on only four cases.
- * The Government decided, two weeks ago, to drop investigations into the fourth case, of an alleged Nazi war criminal now living in Melbourne.

* A spokesman for Attorney-General Michael Duffy said yesterday the War Crimes Act was still in operation and future investigations would be handled by the Federal Police.

* However, all the people named in the last list of alleged war criminals provided by the Simon Weisenthal Centre were found to have died.

THREE CASES IN AUSTRALIA

ADELAIDE pensioner Ivan Timofeyevich Polyukhovich was the first Australian to be charged with European war crimes. In June he was found to have a case to answer on two murder charges - but not on six others, including one of involvement in a massacre of 850 Jews in the Ukraine in 1942.

However, in July, the Commonwealth Director of Public Prosecutions reinstated the massacre-related charge and two others.

Two-and-a-half years after he was first charged, Polyukhovich now faces trial on a total of five charges.

Polyukhovich, 76, has pleaded not guilty to the murder of eight Jews in 1942 and with being knowingly concerned with the murder of as many as 850 others from the Ukraine village of Serniki in World War II.

A move by Polyukhovich to have the charges dropped will be heard in the Supreme Court in Adelaide on November 30.

Another Adelaide pensioner, Mikolay Berezowsky, was charged last September by officers of the SIU.

In court, the prosecution alleged Berezowsky, 78, had been the head of a local police unit in Gnivan, recruited by Nazi soldiers to keep order in the village after it was occupied in 1941.

It was alleged that between March and July 1942, he took part in the round-up in Gnivan of Jews who were later executed and buried in a mass grave outside the village.

In closing submissions, the senior defence lawyer, Michael David, QC, said the prosecution had proved that Berezowsky was a member of the Gnivan police and had "generally" collaborated with the Germans and escaped with them. But there was no evidence to suggest he had been involved in the round-up and killing of Jews.

After a five-week committal hearing, magistrate David Gurry in July dismissed the charge, saying Berezowsky had no case to answer on a charge of being involved in the murder of 102 Jews in the Ukraine in World War II.

The third case, a committal hearing now before Adelaide Magistrates Court, involves South Australian pensioner Heinrich Wagner, 68. He is charged with the murder of 19 part-Jewish children and a railway worker and with being involved in the murder of 104 people near the village of Ustinovka, in Nazi-occupied Ukraine, in 1942 and 1943.