

## **1994: Interview with Yoram Sheftel - incl. BKA-head Dr. Werner on forgery of "Demjanjuk-SS-ID-card"**

Excerpt:

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INTERVIEW:

### **Yoram Sheftel, Israeli defender of John Demjanjuk**

**by Roma Hadzewycz**

To those who followed the strange case of John Demjanjuk as it unfolded in Israel, Yoram Sheftel needs no introduction. He is the Sabra (native Israeli) attorney who joined and later took over the defense of the former American citizen accused of being "Ivan the Terrible" of the Treblinka death camp.

Born and raised in Tel Aviv, the 47-year-old lawyer has been practicing criminal and administrative law for 20 years. His late parents, Briendel and Shloime Sheftel (to whom the book is dedicated), were both born on Ukrainian territory: his mother in Rivne and his father in Kharkiv. They were among the pioneer Zionists who emigrated to Palestine, his father in 1934 and his mother in 1935, and it was there that they met and married. A fervent Israeli nationalist, Mr. Sheftel lost family members during the Holocaust.

Mr. Sheftel joined the Demjanjuk defense just before the trial began in February 1987. He wrote a book about the case in Hebrew, which was published in Israel in 1993 by Adam Publishers. An English-language edition of the book was released the next year in Great Britain by Victor Gollancz publishers of London under the title *The Demjanjuk Affair: The Rise and Fall of A Show Trial*. Now that book has appeared in an American edition released by Regnery Publishing Inc. of Washington. Titled *Defending 'Ivan the Terrible': The Conspiracy to Convict John Demjanjuk*, the 445-page book sells for \$27.50. (For information call Regnery sales at 1-800-955-5493.) [It was also translated into French, *L'Affaire Demjanjuk*, JC Lattès, 1994.]

Mr. Demjanjuk, it will be recalled, was denaturalized in the United States in 1981; he was extradited in February 1986 to Israel to stand trial for the Nazi war crimes of "Ivan the Terrible." It was a year later that his trial began before a special three-judge panel of the District Court that in April 1988 found him guilty and sentenced him to death. Then, due to a near miraculous turn of events, Mr. Demjanjuk was acquitted in July 1993 by the Supreme Court of Israel.

In his book, Mr. Sheftel tells the inside story of the trial and reveals the international conspiracy in what he calls the "Demjanjuk affair." The Tel Aviv attorney was in the United States recently on a brief book tour that took him to New York, Cleveland, Chicago and Washington.

He was interviewed at *The Ukrainian Weekly* on June 25. An edited transcript of that interview is published below.

## PART I

*Q: You called Demjanjuk's trial in Israel "a show trial from day one" - in fact you repeatedly refer to it that way in your book - why?*

A: A show trial, and I would say a politically motivated show trial. I mean never in the history of the state of Israel were TV cameras allowed to broadcast a case live, directly from the courtroom to the entire world. Not only Israeli television was allowed to transmit the hearings from the first moment to the last, but any other network in the world was invited, and some did take advantage of that. No network covered it from day one to the last, but many, many networks from the entire world from time to time used the cameras to directly broadcast the proceedings.

Now this is specifically of significance because in the District Court in Jerusalem television cameras are not even allowed into the building. They can take shots only outside the building when someone enters the court building or goes out the door. They're not allowed into the building under any circumstances. Never before and never since. And this was the initiative of the prosecution to make these proceedings transmitted live with the full approval and consent of the court. I mean the prosecution cannot decide this, it's the court's decision.

Now, once the court in a country like the state of Israel transferred itself to a theater hall that was specifically hired for the purpose of trying the case, and on top of it invited television to broadcast the proceedings, then an acquittal was out of the question. I mean you don't hire a theater hall and invite television in order to show how Demjanjuk will be acquitted. This was

absurd. It was in order to show this "Ivan the Terrible," the Nazi horrendous war criminal who murdered with his own hands and gassed 900,000 Jews. This was the purpose of the exercise, and therefore it was a politically motivated show trial. The politics of it was to tell through the case the story of the history of the Holocaust - specifically the history of Treblinka.

Now, you should never under any circumstances use legal proceedings, a criminal case, in order to teach history, because when you do so you end up with the Demjanjuk affair. You are running a show trial, and against the wrong man, and the proceedings are unfair and history gets distorted. So you don't serve any purpose whatsoever. You end up with a debacle.

*Q: You use the term "Demjanjuk affair" several times throughout the book, is that a conscious decision?*

A: I go even further because again I like to portray things as they are, even if it is very painful to portray. The "Demjanjuk affair" is a direct reference to the Dreyfus affair, and I must say that by making this comparison, in a sense, we are insulting the French, because here we have a case that although Demjanjuk proved his innocence in the most unequivocal way ever in a major case - a person proved his innocence in the appeals stage, and I'm referring to 80 pieces of evidence of 37 Treblinka guards all taken in the late 40s and the beginning of the 50s, including picture identifications of the real "Ivan the Terrible" from his Trawniki card, his "*Personalbogen*" (personnel file) with the SS.

Yet Demjanjuk was found not guilty only because of reasonable doubt. Dreyfus - now I don't dispute his innocence - never, never had such convincing evidence to show his innocence, yet he was found not guilty not because of reasonable doubt, but because of lack of evidence to prove his guilt. This is a thing which the court did not give to Demjanjuk who proved far and beyond his innocence, more clearly than even Dreyfus.

And as far as the conspiracy is concerned, it's also worse. The French never made an attempt on Dreyfus' life, while the OSI, by extraditing Demjanjuk to the state of Israel knew very well that his life was in danger. **And when he was sentenced to death for being "Ivan the Terrible," those people in the Justice Department, which had the entire dossier proving that he is not, kept silent and kept concealing this evidence.** So, in the matter of the conspiracy also, it's worse than the Dreyfus affair.

*Q: Since you brought up the conspiracy, in your book you note that the Demjanjuk case was a huge international conspiracy involving the United States, the Soviet Union, Israel, Poland and Germany.*

A: No question whatsoever.

*Q: My question to you is what was the motivation for each of the players in taking part in this conspiracy as you describe it?*

A: Well, first of all we must define exactly the term "conspiracy" and who did it. Now I'm not suggesting that the president of the United States on some day decided to frame Demjanjuk. This is not the case. In the beginning Demjanjuk was genuinely prosecuted by the OSI for being "Ivan the Terrible" based on very misleading, very unfair evidence. Nonetheless there

were identifications that took place in the state of Israel and in those identifications Demjanjuk was picked up as "Ivan the Terrible" of Treblinka by about a dozen Treblinka survivors. And then he was prosecuted by the OSI in civil proceedings to strip him of his citizenship. Until that point everything more or less was fair enough from the Justice Department end.

When they filed the claim against Demjanjuk in Cleveland they got a tremendous amount of credit from the entire national and local press in the United States. And people were praised like heroes. Here they just founded a new organization within the Justice Department and yet it was able to put its hands on the worst Nazi criminal alive. Then, a year later, in connection with another case altogether, the case of Feodor Fedorenko, the OSI received a hundred pages of documents from the American Embassy in Moscow, which a day before had received these same 100 (pages of) documents from the Soviet procuracy. Now these documents dealt not only with Fedorenko, but with many other Treblinka guards, including the two guards who operated the gas chambers in Treblinka, that is, Ivan Marchenko and Nikolai Shelayev. Three of the statements contained unequivocal data that there is no way whatsoever that Demjanjuk could be "Ivan the Terrible" because Ivan Marchenko was the right one. And they concealed this evidence.

Now why did they do so? I outline this exactly in my book. You see the dates are very crucial. On the 12th of August, the OSI gets this material. This is 1978 - 1978! On the 25th of August, Joshua Eilberg, the chairman of the Subcommittee on Immigration of the House writes a letter to (Attorney General) Griffin Bell, warning him of the consequences of Demjanjuk being found not eligible to be stripped of his citizenship as Fedorenko was found a few weeks before. And then, naturally, the OSI got scared about its own existence, about ensuring that it continue to exist. And in my book I quote from the decision of the Federal Court of Appeals, which not only declares the functioning of the OSI as fraud on the court, but also outlines the reasons which are political, largely political and obviously considerable. It would raise a political problem for us all, including the attorney general, if the case is lost. So actually, they wanted to preserve their bureaucratic organization just established and this was the motive of the OSI to conceal the evidence.

Now the Soviets, they must be commended. They never went as far as the OSI did. You see the Soviets, of course, knew all along that Demjanjuk could not be "Ivan the Terrible" because of their own data about "Ivan the Terrible." Therefore, they suggested he was a camp guard from Sobibor, but they never even hinted, even after the identification of Demjanjuk by survivors as "Ivan the Terrible," that he had anything to do with Treblinka, let alone that he was "Ivan the Terrible." But, the Soviets wanted to cause a rift between the Jewish and Ukrainian communities in North America, which we all know were collaborating in the middle '70s in anti-Soviet activities - each community for its own interest. And, the best proof of this is that the entire affair was exploded in the United States by Michael Hanusiak, who was then the editor of the Ukrainian Communist newspaper, called *Ukrainian Daily News*. And he is the one who wrote the book *Lest We Forget* in the early 1970s, warning - and I give quotes from this book - about the reactionary, dangerous, collaboration between the

Ukrainian reactionaries and Zionist reactionaries against the Soviet Union, and warning that this must be stopped. And he stopped it. He stopped it. As far as this is concerned, the Soviets had complete success.

Now we come to the Poles. The Poles were not an independent entity in those days, and they were completely governed by the KGB. They knew exactly as the Soviets did that "Ivan the Terrible" was not Ivan Demjanjuk but someone else. And because they were protégés of the Soviets, they had no choice but to pursue the line of the Soviets.

Now the German part of the conspiracy relates directly to the Trawniki card. The world expert on the authenticity or non-authenticity of Nazi German documents is Dr. Louis Ferdinand Werner, who is the head of the BKA laboratories of the German police in Wiesbaden. He examined the Trawniki card three weeks before the case started in Israel, that is to say the middle of January 1987. He told the Israeli chief expert on documents, Amnon Bezaleli, who testified for four days in the witness box in the case in Jerusalem, that not only is the Trawniki card a forgery, but it is even an amateur forgery, obvious when you first look at it. And he asked for the document to be left with him for 10 days so he would be able to provide an extensive expert opinion about all the faults and forgeries on the card.

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And, of course, Israel is part of the conspiracy as far as this (Trawniki card) is concerned. It also was party to falsifying one identification made, not in the state of Israel, but by the OSI in the United States of one of the eyewitnesses, (Yehiel) Reichman. But I left for the reader to decide, because I don't have 100 percent proof that Israel was involved in the cover-up of the OSI- concealed evidence which suggested that someone else and not Demjanjuk is "Ivan the Terrible."

However, we must note that there can be no question whatsoever that since December 1990 Michael Shaked, the chief prosecutor, knew everything. And yet, to the last moment, he asked the Supreme Court to execute Demjanjuk for being "Ivan the Terrible." Even in the very final arguments, which took place in June 1992, when the entire the dossier of the KGB was in the court file and 37 witnesses, including contemporaneous eyewitness identifications, were in the file. And yet he said that all this is just a bunch of papers, and **we must rely only on the survivors. I think this was one of the most shameful statements ever made by a prosecutor in the Western world.**

*Q: I'd like to get back to the motivation question. You explained how the Germans were involved but not why. Why was it in their interests to do this?*

*A: I believe the Germans didn't want to blow up the case in Jerusalem because they were very happy that for once you had a major war crimes*

case connected with the Holocaust and the accused was not German. For the first time in history, I think, so much concentration on another nationality was focused by the world media, by the entire international community. And I think they did not want to put the Israelis in any trouble whatsoever, because imagine what would happen if the defense knew about Dr. Werner's opinion, about this document right from the beginning. We would have invited him as a witness, of course.

*Q: And this was a central piece of evidence...*

A: Of course, and the entire case could have been blown up right from the beginning, or at least portrayed the Israeli prosecution in a shameful way.

*Q: The Trawniki card, you called it a "crude forgery," Werner called it an "amateur forgery," and it was so clear to so many people that there were too many questions about this card. Why did the court so readily accept it as evidence, especially when all the charges dealt with Treblinka and the card bears no link to that death camp?*

A: I'll tell you very simply. The court, including the Supreme Court, which unwillingly had to acquit Demjanjuk, accepted everything against Demjanjuk - as long as it was not impossible. You see, it was totally impossible to convict Demjanjuk as "Ivan the Terrible" in the face of 80 pieces of evidence, which not only the court knew about but the entire world knew about it. Therefore, there was no possibility whatsoever from the moment this material was discovered by us and made public - this is the key: made public - to the entire world, that Demjanjuk could still have been found to be "Ivan the Terrible" of Treblinka.

The Trawniki card is a different thing. You know, questions about the signature, yes or no, picture, yes or no - you will always have differences of opinion. But, we must note that to date not one expert, including all the OSI experts, ruled that the signature on the card is the signature of Demjanjuk. On the contrary, time and again, every leading expert who examined it said not only that it was not his signature, but that it is not even similar, it is not even close to being his signature. But again, it is not as unequivocal as the Treblinka part.

This case started in Israel as a politically motivated show trial, and ended with consent of the court that it was a politically motivated show trial against the wrong man, but still they upheld everything possible against Demjanjuk in order to cover up the terrible functioning of three of the most biased judges I have ever come across in my life. These judges didn't try Demjanjuk - they persecuted Demjanjuk on a daily basis for 14 months in front of the whole world and finally sentenced him to death for being someone he wasn't.

You see, in addition to telling my story, which I felt mentally for myself was necessary to do once and for all, these two reasons are the main reasons behind me writing the book: to expose the ugly misconduct of the three judges of the Israeli District Court, the special panel that sentenced Demjanjuk to death as a result of a show trial for being not what he was, and to expose the conspiracy.

I also am an amateur historian and I read a lot - specifically, but not only, about politics and the law. **And I never in my life came across a**

**major case in which for so many years so many facts were deliberately distorted by the media as in this case.** And I think that the only way the public had a chance to know what really was the Demjanjuk affair is by reading this cohesive, comprehensive set of facts about the case - all based on documents that nobody can dispute and court decisions and court records. Nothing I say is not backed by one or a combination of these. Nobody, ever since the book was first published three years ago, nobody has ever disputed one single little side point in this book as being incorrect.

*Q: You say repeatedly throughout the book that you knew Demjanjuk was innocent of the charges against him, that he wasn't "Ivan" of Treblinka, that you knew from the beginning the verdict would be guilty, you knew he would get the death sentence. And still you joined the defense. Then you say in your book that joining the defense was "the wisest decision I have ever taken in my life." Would you explain that?*

A: Yes, you see none of my close friends from childhood were surprised that I took the case. None of them. This has to do with my character and with my convictions. I have a fundamental distrust in governments as such. Of course, I know better than any government how the Israeli government functions, but I'm sure that the Israeli government is not better and not worse than any other Western government. And even Western governments in democracy function time and again in the most evil, unacceptable ways, and specifically their police and prosecution services.

Now, I was waiting all my career for a substantial chance at least to try and portray the real face of the police and the public prosecution service - how wrongful, dishonest and unfair they can be. And I felt from the beginning that it was suitable to show it in the Demjanjuk case. I knew I would not succeed (in winning), but I could not resist. I mean at the end of the day I did, because of a totally unexpected turn of events, but I knew at least that someone who followed the case on a daily basis, not from the newspapers but directly from television, would be able to see what the hell was going on. And I couldn't resist the temptation of stepping into this case in order to try at least to do my utmost to prove this point.

Also I can say that automatically, as far as my character is concerned, I am suspicious of consensus. And once there was a consensus that Demjanjuk was "Ivan the Terrible" and I knew how baseless this consensus was, this was another temptation, another almost irresistible impulse for me to step into the case.

But also as far as criminal cases are concerned, this is a criminal case which every criminal lawyer, if he is honest with himself, dreams all his life to step into. My heroes as criminal lawyers were Samuel Liebowitz and Clarence Darrow and others, and I dreamed all my life of having the opportunity to participate in a major, huge case - maybe not as big, at least a little reminder of a case of such a magnitude as the Demjanjuk case. And when this opportunity occurred, and when I had no doubt whatsoever that the case of the prosecution was baseless and I believed strongly in Demjanjuk's protests of innocence, plus the rest of what I mentioned, this was an irresistible combination.

*Q: You were very young at this time to take on the whole system. How did people look upon you? Here you were age 37 taking on a huge system. Did your age factor into this situation?*

A: No, no. I was known to be a very experienced criminal lawyer, and from that point of view there was no surprise. I mean, no one questioned my professional abilities to tackle the case. Everyone, of course, questioned my true motives. Everyone said that I had two motives only: publicity and money. But, as far as professional ability to tackle this case, nobody questioned it.

*Q: You were convinced that John Demjanjuk was innocent. How did you become convinced in speaking with him? I mean, you hadn't even seen all the documents yet at that point.*

A: You see, in this case, like almost everything in life, there is a ratio which sums up everything. And the entire Demjanjuk case, as complex as it is, is on this page [points to a page in his book].

*Q: The photo spread.*

A: That's it. And this was right from the beginning until the very end the sole evidence against Demjanjuk. I was fully convinced right from the moment I saw these pictures. But I was convinced even before, because I realized before that there must be pictures of that kind - impermissibly suggestive. When I saw it [the spread], I knew this was a fact, and I'm astonished that the Israeli court, the Supreme Court as well, ruled that there was nothing wrong with this photo spread. This is shameful.

So, from the positive point of view, there was never a case against Demjanjuk to start with. Then I met with him; I spoke with him for about two and a half hours with no body language because I speak fluent Russian. And I was very much impressed by his protest of innocence. I felt deeply that he was not lying to me. Not only that he never set foot in the Treblinka death camp, but that he heard the name "Treblinka" for the first time in his life in 1976. Now, if there would have been convincing evidence against him, I'm not sure personally, you see I most probably wouldn't believe him. But the combination of lack of any substantial evidence on the one hand, plus the impression I got from him, and the third very important fact, that nothing concerning Treblinka, or even specifically "Ivan the Terrible" would be contested by the defense, made it totally possible for me to step in without any hesitation.

Although, I must admit that until spring 1990 all the time I thought that maybe there is a 3 to 5 percent chance that I am mistaken. Because you can always be mistaken trying to evaluate if someone else is telling the truth or not. And the fact by itself that the photo spread is suggestive is not proof that Demjanjuk is not "Ivan the Terrible." It would prevent his conviction, but we know very well that sometimes we have to find people who we know committed crimes not guilty because of various reasons. So, until I first met with Maria Dudek, I always had in the back of my mind the thought that maybe there is something like a 3 to 5 percent chance that I am wrong.

But this changed when I met in March 1990 with Maria Dudek and it was certified officially when we met with Judge Oleh Tatunik in Symferopil in September 1990, when he revealed to us the essence of the evidence

which shows unequivocally that someone else was "Ivan the Terrible." And then, for the first time ever in my life publicly I started to predict that nothing would help the prosecution and Demjanjuk is going to be exonerated, found not guilty and sent back to his home. Nothing in the world can stop this. And I said it as early as the end of 1990 and I didn't stop saying it for one moment. And I was laughed at by everyone. I was considered kind of an unstable person to come out with such ridiculous, stupid, foolish declarations.

*Q: There are many people who, though they will now admit that John Demjanjuk was not "Ivan the Terrible," nonetheless continue to insist that he was someone somewhere - a Terrible Ivan of some other camp. I would like to ask you, with all you know about this case, who do you think is John Demjanjuk?*

A: At this stage, we must take at face value his statement that he was a Soviet soldier, which is not in dispute by anyone; that he fled to German captivity in spring 1942, which is not disputed by anybody; and that he stayed for two years in German hands as a POW - this is disputed by the Israeli prosecution and others. But, then the moment of truth came, and the Israeli prosecutor, actually the Israeli attorney general himself, had to make his stand on whether he did or did not have proof against Demjanjuk. The attorney general stated unequivocally that he doesn't have any reliable piece of evidence to implicate Demjanjuk in any alternative charges, and therefore he was set completely free by the Israeli Supreme Court, which backed the decision, the declaration of the attorney general. And I quote the Supreme Court decision about it in my book word by word.

After this, the smear campaign against Demjanjuk continued - that Demjanjuk is not "Ivan the Terrible," so he is another Terrible Ivan. This is a disgrace, this is without foundation, this is unfair. And it is not suitable, really it is not suitable for any government or serious public organization to pursue this evil road.

I mean, after all, we must bear in mind that for 17-18 years we all pointed our finger at Demjanjuk and said: You are "Ivan the Terrible." And he said: No, I am Ivan Demjanjuk, and between Ivan Demjanjuk and "Ivan the Terrible" there is no connection whatsoever. Nobody disputes now that he was right and everyone else was wrong. So, people must have a bit more modesty and more fairness before they dare accuse Demjanjuk of other charges. Which, unfortunately, they don't.

In spite of this lawyer explicit statements, the OSI continued the persecution of Demjanjuk, back in the USA, and restored in his American citizenship. Finally he was once more stripped of his US citizenship, and transferred, this time in Germany, where he stands trial for having been a guard at... not Treblinka this time... but Sobibor concentration camp. Same type of forged documents, liars coming as "witnesses", but he lacks a battle hardened lawyer such as Sheftel. The trial is going on (April 2010). German justice... even rats would reject it.

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AAARGH REPRINTS

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