

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

JOHN DEMJANJUK,

Defendant.

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Case No. 1:99CV1193

Judge Dan Aaron Polster

**MOTION OF JOHN DEMJANJUK
TO RECONSIDER MEMORANDUM
OF OPINION AND ORDER OF
DECEMBER 20, 2011**

The defendant in this matter, John Demjanjuk, moves this Court to reconsider its decision of December 20, 2011 (ECF #237) denying the motion for extraordinary relief under Rule 60. The Court denied the request for relief without any hearing despite clear factual disputes. The Court found undisclosed documents from the Cleveland FBI office to be only speculative and not material to undermine the decision to strip Mr. Demjanjuk of his United States citizenship in 2002. The Court, however, never saw all of the undisclosed documents, and never had the benefit of receiving in-court testimony about the two undisclosed documents on which it focused. Much of the ruling is based on declarations appended to the government's opposing brief, but those declarations were never subjected to cross-examination.

Unanswered questions affecting the materiality of withheld evidence include:

- Did FBI Special Agents Martin and Arruda, or the Cleveland FBI office for that matter, investigate Mr. Demjanjuk completely independently of the OSI and the

Department of Justice? Of all other federal agencies, including the United States Attorney's Office for the Northern District of Ohio?

- What information did Special Agent Martin have about the KGB that made him suspicious of any documents released by the Soviet Union, including those about Mr. Demjanjuk?
- Did the Cleveland FBI office ever investigate other suspected Nazi war criminals living in Northeast Ohio? If not, why did Mr. Demjanjuk's case warrant an investigation spanning multiple years? If so, why were those investigation ignored by prosecuting authorities — or were they as now claimed?
- Why were the Cleveland FBI records classified as "secret" and remained so for decades if they contained only immaterial speculation?
- Who helped the government's witnesses write their declarations? What did they review before writing them?
- What information did Special Agent Martin reveal to Mark O'Connor about his suspicions of the KGB? Did Special Agent Martin share the 1985 FBI memorandum or its contents, even though it was still classified as "secret"?
- Why was the Cleveland Counter-Intelligence Squad developing intelligence sources in the Ukrainian emigre community in the 1980s, as mentioned by Special Agent Martin in his declaration, particularly if this investigation was mere speculation?
- Was Special Agent Martin, as the Special Agent in Charge of the Cleveland FBI office, aware that Special Agent Arruda had interviewed witnesses in connection with the Demjanjuk case in 1984? Who else knew about this investigation? Who else helped with it?
- Whom did HRSP (the new name for OSI) contact during its recent investigation of this case, as mentioned by Eli Rosenbaum in his affidavit?

These are just some examples of questions that would be posed of witnesses, particularly the government's declarants. Their declarations, like any sworn statement, cannot be properly assessed absent a hearing. Moreover, unresolved contradictions between the declarations and the documents Mr. Demjanjuk attached to his Rule 60 motion call into question the veracity of the declarations, the documents, or potentially both. Those contradictions were ignored but require resolution which can

be accomplished with a hearing.

A hearing would also show that, rather than being excluded from such investigations, the Cleveland FBI Office in fact was involved in investigations of other alleged Nazi war criminals as well as, of course, that of John Demjanjuk. *See* Exh. A, FBI Teletype to Director FBI from SAC Cleveland, Re: Ivan Demjanjuk, September 12, 1985 (response to inquiry for information about Demjanjuk for the Italian National Police). Consistent with this is the statement made by former OSI Director Neal Sher before a House subcommittee in 1985, namely, that the OSI routinely checks with the FBI (and other federal agencies) when investigating Nazi War criminals. *See* Exh. B, Statement of Neal Sher before the House Subcomm. on Immigration, Refugees and International Law, Oct. 17, 1985, at 5. Now concluding that a memorandum authored by the Special Agent in Charge of the Cleveland FBI office to the FBI Director was completely ignored and would not have had any impact runs contrary to historical practice and sworn testimony of one of OSI's early directors.

The government notes in its opposition brief that statements by Sobibór guard Danilchenko weighed against Mr. Demjanjuk. ECF #229 at 16. A hearing would show, however, that the government has not disclosed all the information it received from Danilchenko. On February 2, 2011, during the recent trial in Munich, Dr. Lutz, the German prosecutor, asked OSI about reported State Department cables from 1984 that indicate a witness who was interviewed sometime in 1983-1984 on behalf of OSI was Danilchenko. *See* Exh. C, 1984 State Department Cables. OSI historian David Rich responded:

I have searched carefully three document collections (including "Trawniki Central") for any Vernehmungen of Ignat Danil'chenko from 1983 to 1984 (or any date in the 1980s). There are no such documents in those collections.

Exh. D, Email from David Rich to Dr. Lutz, dated February 2, 2011.

What happened to this statement from the mid-1980s? Given the apparent weight given in the past to this particular guard's statements, the government should not be permitted to withhold *any* documents or information from or relating in anyway to Danilchenko

A hearing would also show unresolved uncertainty as to the identity of the true culprit. For example, in its opposition brief (ECF #229 at 17-18, n.15,), the government says that any misidentification of Ivan M. (a.k.a. John) Demjanjuk and a possible cousin (Ivan A. Demjanjuk) in Dubovi Makharyntsi, a small village in the Ukraine, was not true. The government claims Ivan A. was not the Nazi guard Ivan Demjanjuk because in 1969, the KGB looked in the village for a "Ivan Demjanjuk," and no one by that name was there. Recent interviews conducted in that same village revealed that the KGB had interviewed Petro Savvovich Bondaruk in 1969. During the interview, the KGB had shown Mr. Bondurak three photographs, asking him to identify which one was Ivan Demjanjuk, with whom Petro had grown up in the village and served in the Red Army years before. Mr. Bondaruk told his son that the pictures he was shown in 1969 were of Ivan A. Demjanjuk, not the defendant. Mr. Bondaruk did not tell the KGB the man in the pictures was actually Ivan A. Demjanjuk. Instead, he told Ivan A. the KGB was looking for him. Less than a month later Ivan A. committed suicide. *See* Exh. E, Declaration of Bridget Prince, ¶ 20.

All of this begs these and many other questions that go to the heart of the government's discovery obligations in this case: Did the government ignore this information? If it had this information, why did it not turn it over in discovery, especially since the government vowed to be more expansive in its discovery responses than required by the Civil Rules? These are particularly germane questions, since we know the government was aware of another Ivan Demjanjuk who had

served in the Red Army, came from the same village as the defendant, was close or identical in age, and was a guard at Nazi camps in the occupied Polish province of Lublin which included Trawniki and Sobibór. *See* Exh. F (originally filed as is Exh. 2 to ECF #112, Deft's Motion to Take Discovery Concerning Ukrainian Documents Based on Govt. Investigation in March and April 2001 and Not Produced Until May 12, 2001, filed May 21, 2001). Furthermore, the government had information in 2001 that Ivan A. was living in the village in 1969. Exh. G (originally filed as Exh. 3 to ECF #112, Deft's Motion to Take Discovery Concerning Ukrainian Documents Based on Govt. Investigation in March and April 2001 and Not Produced Until May 12, 2001, filed May 21, 2001); Exh. H (translation of Exh. G).

This Court found that "Special Agent Martin's theory about a possible Soviet scheme targeting anti-Soviet dissidents is no match, quantitatively or qualitatively, for the considerable documentary evidence presented by the Government and supported by expert authentication in the 2001 trial, which evidence placed Demjanjuk in numerous concentration camps during the war. [*Smith v. Metrish*, 436 Fed. Appx. At 563; *Kyles [v. Whitley]*, 514 U.S. [419] at 434-35." Op. at 21. Earlier in its opinion, this Court concluded that "the internal FBI documents contain nothing more than the conjecture of an FBI agent, unsupported by investigation, that would have made no difference in refuting or undermining the Government's overwhelming evidence at the 2001 denaturalization trial." Op. at 2.

These findings do not address the question Mr. Demjanjuk's motion raises: Why did the government withhold plainly relevant and responsive documents for over 15 years at that point? These findings also do not address the impact the withheld documents might have had on the decision made three years earlier by then Chief Judge Matia to dismiss the complaint against Mr.

Demjanjuk without prejudice after finding fraud on the court. Would that same decision still have been made *without* prejudice if the Court had known that, even as the Sixth Circuit was making its finding of fraud on the court and even as the District Court was making its own similar finding, the government was continuing to withhold additional relevant and responsive materials? (At that point in the time, the FBI files and other withheld documents at issue were still classified.)

Here the government has acknowledged it withheld relevant documents for over two decades. The Court has now accepted the government's position that "[b]ecause the internal FBI documents are merely speculative, they are not exculpatory." Op. at 20. A determination as to whether the contents of a report about an FBI investigation are merely speculative cannot be made without a hearing where the evidence supporting and challenging that finding can be presented. Moreover, the OSI's attempt to compartmentalize itself away from the FBI was something the Sixth Circuit prohibited and the OSI promised this Court it would not do. The acknowledged governmental conduct warrants sanctions under Fed. R. Civ. P. 60.

This case presents a classic scenario of a party being confronted with an extremely significant statement it made some time ago. This statement, if true, completely undermines the party's present position. The party has been at pains to conceal the very existence of this statement from the adversary, while claiming that no such evidence exists. Now the party files declarations explaining, justifying, belittling, and contradicting the statement. The only way to resolve the contradiction would be to have a hearing, and to let the party explain the inconsistency and its failure to disclose it for all these years.

For these reasons, Mr. Demjanjuk requests reconsideration of the December 20, 2011 ruling denying his motion made pursuant to that rule.

Respectfully submitted,

/s/ Michael E. Tigar

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/s/ Dennis G. Terez

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(vicki_wereneke@fd.org)

Attorneys for John Demjanjuk

January 5, 2012

CERTIFICATE OF SERVICE

I hereby certify that on January 5, 2012, a copy of the foregoing Motion of John Demjanjuk to Reconsider Memorandum of Opinion and Order of December 20, 2011 (together with Exhs. A-H) was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's system.

/s/ Dennis G. Terez
Dennis G. Terez
One of the Attorneys for John Demjanjuk

EXH. A

FBI Teletype to Director FBI from SAC Cleveland,
Re: Ivan Demjanjuk, September 12, 1985
(Response to inquiry for information about Demjanjuk for the Italian National Police)

FBI

TRANSMIT VIA:

- ☐ Teletype
☐ Facsimile
☐ AIRTEL

PRECEDENCE:

- ☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

- ☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 9/12/85

TO: DIRECTOR, FBI
 (ATTENTION: FUGITIVE/GENERAL GOVERNMENT CRIMES
 UNIT, CID)

FM: SAC, CLEVELAND (163A-587) (RUC)

RE: IVAN DAMIANUK, aka,
 Ivan Demanuh;
 FPC - GENERAL CRIMINAL MATTERS

OO: FBIHQ

Re Cincinnati teletype to FBIHQ, et al, September
 4, 1985 and Cleveland teletype to FBIHQ and WFO, September
 11, 1985.

Enclosed for FBIHQ are six copies of a self-explanatory
 LHM regarding captioned subject. FBIHQ is requested to
 forward enclosed LHM to LEGAT, Rome, for dissemination
 to the Italian National Police.

Inasmuch as all requested investigation has been
 conducted in the Cleveland Division, this matter is being
 placed in a RUC status.

- 6 - Bureau (Enc. 6)
 (1 - Liaison Unit, INTD)
 (2 - LEGAT, Rome)
 1 - Cleveland
 GAH:lad
 (7)

SEP 12 1985

Approved: _____ Transmitted _____ (Number) (Time)

Per _____

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 7-18-99 BY SP1 CLK/m

47 JUN 1 1986



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

Cleveland, Ohio
September 12, 1985

IVAN DAMIANUK, aka,
Ivan Demanuh;
~~FOREIGN POLICE COOPERATION~~
~~GENERAL CRIMINAL MATTERS~~

On September 11, 1985, one set of two photographs each depicting JOHN DEMJANJUK taken in April, 1985 and one copy of DEMJANJUK's fingerprints taken in July, 1982, were obtained from the records of the Cuyahoga County, Ohio Sheriff's Office, Cleveland, Ohio. DEMJANJUK may be identical to captioned individual.

The above mentioned photographs and fingerprints are enclosed.

Enclosures - 2

This document contains neither
recommendations nor conclusions of
the FBI. It is the property of
the FBI and is loaned to your agency;
it and its contents are not to be
distributed outside your agency.

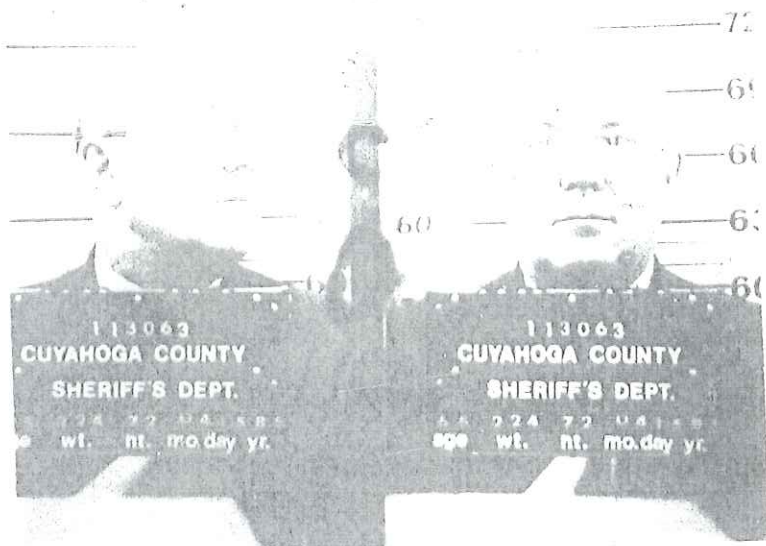
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1-28-99 BY SP1 CLK/DR

5



113063
CUYAHOGA COUNTY
SHERIFF'S DEPT.
age wt. ht. mo. day yr.

113063
CUYAHOGA COUNTY
SHERIFF'S DEPT.
age wt. ht. mo. day yr.



**SHERIFF'S OFFICE
CUYAHOGA COUNTY, CLEVELAND, OHIO
SCIENTIFIC IDENTIFICATION BUREAU
FACE SHEET**

BOOKING NO. 820/19035

SO 0113033

ARREST DATE: 07/19/82

PHOTO DATE: 07/19/82 CHARGE: FDB207 FEDERAL PRISONER BEING MOVED

ORG. SO. NAME: DEMJANJUK, JOHN

MAIDEN NAME:

ALIAS NAMES

1) * (NICKNAME)

IVAN

2)

CURRENT ADDRESS

CITY:

STATE:

HOW LONG: 10

YR

PHONE #:

PREVIOUS ADDRESS

CITY:

STATE:

HOW LONG:

YR

PHONE #:

AGE: 52

SEX: M

RACE: W

MAR. STATUS: SIN

DATE OF BIRTH:

BIRTH STATE:

PHYSICAL

INFORMATION

HEIGHT: 6 FT 00 IN.

WEIGHT: 210 LBS.

HAIR: BALD

EYES: BLUE

COMP: MEDIUM

BUILD: LARGE

BEARD: N

TEETH: FALSE

RELIGION: CATHOLIC

DESCENT: UKRAINIAN

FAMILY INFORMATION:

SPOUSE: VERA

MOTHER: HOULA/DECEASED

FATHER: MIKOLA/DECEASED

CHILDREN: LIDDIA/IRENE/JOH

CHILDREN:

BROTHER:

SISTER:

DISGUISE:

1) GLASSES

2)

3)

F.B.I. NO:

O.S.B. NO:

S.S.N.:

EMPLOYMENT INFORMATION:

EMPLOYED BY: NONE

HOW LONG:

YR

ADDRESS

CITY:

STATE:

PHONE #:

ADDITIONAL CHARGES:

1)

2)

3)

4)

ARRESTING AGENCY: U. S. FEDERAL

ARRAIGNMENT DATE:

BOUND OVER DATE:

SENTENCE NARRATIVE:

ATTORNEY: JOHN MARTIN

JUDGE:

DATE:

REMARKS:

FINGERPRINT CLASS: Q 32 W IIM - 20

I 32 W OOI - 20

KNOWN ASSOCIATES

1)

2)

2)

4)

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 7-28-99 BY SP1 C14/MS

MARKS, SCARS, TATTOOS, PHYSICAL CHARACTERISTICS:

1)

2)

3)

4)

MOTORVEHICLE INFORMATION: 30 HORNET BRO

MILITARY SERVICE:

OPERATOR: 0484

DEPUTY NAME:

BOZDAR

R

BADGE NUMBER: 0215

NCIC CL-SS-FPC

--	--	--	--	--	--	--	--	--	--

113063

SHERIFF'S OFFICE
CUYAHOGA COUNTY
JUSTICE CENTER CLEVELAND, OHIO 44113

Color _____











Sex _____

Name _____
(Surname) (Given name) (Middle name)
(Please type or print plainly)

LEAVE THIS SPACE BLANK

Class. _____

Ref. _____


1. RIGHT THUMB 	2. RIGHT INDEX 	3. RIGHT MIDDLE 	4. RIGHT RING 	5. RIGHT LITTLE 
6. LEFT THUMB 	7. LEFT INDEX 	8. LEFT MIDDLE 	9. LEFT RING 	10. LEFT LITTLE 


Signature of Officer taking fingerprints _____
Date 7/19/82
Four fingers taken simultaneously

Classified _____
Searched _____
Checked _____

Signature of person fingerprinted
X John Demaryus
Four fingers taken simultaneously

Left Hand


Left Thumb


Right Thumb


Right Hand


ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2-28-99 BY SP1 CUA/TN

CUYAHOGA COUNTY SHERIFF DEPARTMENT
CLEVELAND, OHIO 44113
RECORD OF JUDICIAL ARREST

BOOKING NO. 15091 305 S.O. NO. 44130.3
NAME WILLIAM J. JONES DOB
ALIAS WILLIAM J. JONES IVAN
RACE/SEX W. H. HGT 5 00 WGT 229 HAIR BLK EYES BLU 10 YR MO
ADDRESS
PHONE PREVIOUS ADDRESS
MARITAL STAT MAR SPOUSE VERA ATTORNEY HANK PACONO
SCARS MARKS TATTOOS ETC GLASSES
ADDICTIONS
RELIGION CATHOLIC

EMPLOYER NONE
ADDRESS
PHONE #

SOCIAL SECURITY NO.

FBI NO. BCI NO.

DATE 04/15/85

CHARGE DESCRIPTION	CASE #
1) <u>DEPORTATION</u>	<u>F08504</u>
2) <u> </u>	<u> </u>
3) <u> </u>	<u> </u>
4) <u> </u>	<u> </u>
5) <u> </u>	<u> </u>
6) <u> </u>	<u> </u>

REMARKS

I.D. VERIFIED PMH 307 4/24/85

Patricia D. Kail 4-15-85
OFFICIAL TAKING PRINTS DATE

John Demjanjuk
SIGNATURE OF PERSON PRINTED



RIGHT HAND PLAIN IMPRESSIONS

7-28-99 Sp1 c14 /m.

EXH. B

**Statement of Neal Sher before the House Subcomm
on Immigration, Refugees and International Law, Oct. 17, 1985.**



Department of Justice

STATEMENT

OF

NEAL SHER
DIRECTOR, OFFICE OF SPECIAL INVESTIGATIONS
CRIMINAL DIVISION

BEFORE

THE

SUBCOMMITTEE ON IMMIGRATION, REFUGEES AND INTERNATIONAL LAW
COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

CONCERNING

GAO REPORT ON NAZI WAR CRIMINALS

ON

OCTOBER 17, 1985

Mr. Chairman:

I am pleased to appear today to testify on behalf of the Office of Special Investigations, Criminal Division, United States Department of Justice, with respect to the recent report of the Comptroller General addressing the question of whether there were any U.S. government programs to aid Nazi criminals and collaborators to immigrate to this country.

First, I would like to express our appreciation to the Committee which has for so many years supported the efforts to investigate and prosecute Nazi criminals.

At the outset, based upon our experience in investigating and prosecuting alleged Nazi criminals, we do not take issue with the general conclusion of the GAO that Nazis and Nazi collaborators were utilized by the United States for intelligence purposes after WW II and that some were aided by U.S. authorities in immigrating to this country.

While OSI has reviewed the GAO report and the questions raised by it, it is important to understand the background and mission of our office to appreciate our role in addressing the subject of these hearings. As you know, after extensive hearings before this Committee, the Office of Special Investigations was created in 1979. Congress mandated that it be an integral part of the Criminal Division of the Justice Department and

that its mission be that of identifying, investigating and taking appropriate legal action against any individuals who, in conjunction with the Nazi regime, advocated or assisted in the persecution of individuals on account of race, religion, national origin or political opinion. Indeed, this mandate followed on the heels of an amendment to the immigration law in 1978 which specifically designated such individuals as being subject to deportation and also barring their entry into the United States.

OSI has been vigorous in carrying out that mandate, and it is fair to say that we are now the most active office of its kind in the world. The office has filed more than 50 cases since its creation and we have stripped 18 alleged Nazi persecutors of citizenship, secured orders of deportation against 10 and have succeeded in removing 8 persecutors from the country. Presently, approximately 30 cases are pending in the courts; over 300 people are under investigation, and we will be filing more cases soon. In addition, OSI has closed nearly 600 cases because the subject was dead or proof was found lacking.

In addressing the issues reported on by the GAO, it is important to bear in mind that OSI is essentially case oriented; we are prosecutors, whose objective is to investigate thoroughly allegations that an individual had been engaged in persecution which might warrant either denaturalization

or deportation proceedings. OSI's mission is not to undertake general historical research regarding broad issues such as the ones upon which the GAO report focuses. On the contrary, our efforts are directed at the investigation of individuals and their wartime activities. We are not, for example, generally concerned with determining broad patterns of immigration or ascertaining whether or not any segment of the intelligence community after World War II engaged in programs to assist Nazi war criminals immigrate to this country. However, should we determine that a particular individual was indeed engaged in persecution during the Second World War, we fully explore the manner in which that individual entered the United States.

That is not to say that the questions now under consideration are not important. On the contrary, they are serious and deserving of full and complete answers. The point I make is simply that the historical review which was the function of the GAO report and the efforts of OSI are for the most part separate and distinct. We believe that OSI's efforts must continue to be directed towards uncovering and taking action against Nazi criminals who have illegally lived in this country far too long.

I do note, however, that in exceptional cases OSI has been called upon to answer questions of historical significance similar to those addressed by the GAO. For instance several years ago we undertook a thorough investigation regarding this country's relationship with Klaus Barbie, in which the

Department of Justice concluded that the Nazi criminal had in fact been utilized by U.S. Army intelligence officials after the Second World War and that his extradition to France had been deliberately blocked by United States officials.

In addition we are presently investigating the circumstances surrounding this government's relationship with Robert Verbelen, an alleged Belgian war criminal who allegedly worked for United States intelligence after World War II.

It should be noted that neither Verbelen nor Barbie were brought into the United States by the intelligence organs for which they purportedly had worked.

In addition, as you undoubtedly know, the Office of Special Investigations is presently conducting an investigation into questions regarding the possible relationship between the infamous criminal Josef Mengele and United States authorities after World War II. That report has not been completed.

Our office is fully aware of the individuals referred to, although not named, in the GAO report. You can be assured that we are investigating any allegations or information that any person now alive in the United States might have been involved in acts of persecution during World War II-- regardless of possible post-war involvement with intelligence agencies. Because such matters are under investigation, it is not possible to provide any further details.

The Committee should be aware that OSI routinely checks with many government agencies during the course of any given investigation. In addition to seeking evidence of wartime

activities from the Berlin Document Center and other archival sources, OSI will routinely check with the FBI, the Army and the CIA in order to ascertain whether or not any files exist on the subject under investigation. These are standard checks which are initiated in each and every instance. The CIA as well as the other agencies, have in fact made files available for our review and examination. It is also significant to point out that in not one instance has the CIA or any other agency, governmental body or official attempted to influence an OSI investigation or attempt to prevent prosecution. Nor has OSI ever declined to file a case because of an individual's connection with the United States government.

We are, of course, very well aware of Operation Paperclip, pursuant to which the United States Government brought into this country Nazi scientists, including a cadre of individuals who worked on the notorious V-2 rocket which nearly destroyed London. Indeed, in a case which has received much notoriety, the Office of Special Investigations investigated allegations that Arthur Rudolph, the former operations director at the Mittelwerk V-2 assembly plant during World War II, had engaged in war crimes and the persecution of innocent civilians during his tenure at Mittelwerk. We uncovered evidence regarding Rudolph's role in recruitment and exploitation of the civilian slave labor during the war--which constituted crimes against humanity and war crimes under the Nuremberg law and the Geneva

Convention--and confronted Rudolph with such allegations. Rudolph elected to enter into a formal binding agreement with the United States pursuant to which he agreed permanently to leave this country and to renounce his citizenship in exchange for the United States not commencing denaturalization and deportation proceedings against him. This case demonstrates that OSI will pursue individuals who were engaged in acts of persecution and war crimes and who illegally came to this country notwithstanding the fact that they had established a relationship with the United States authorities. Again, it would be inappropriate further to discuss any other case which OSI might have under investigation.

We also note that the Committee is interested in knowing whether the CIA 100 numbers provision has been used to admit alleged Nazi criminals into the United States. Because of the Committee's concern, we have compared the list of OSI subjects with the relevant records regarding the 100 persons law. We have found that two such individuals had in fact been brought into the United States under that law. The GAO Report discusses one such case. It would not be appropriate to discuss those cases any further.

That concludes my prepared text, and I would be glad to answer questions from the Committee. Thank you.

EXH. C

1984 State Department Cable

Department of State

TELEGRAM

PAGE 01 BONN 12279 091631Z
ACTION OCS-06

2012

INFO OCT-00 ADS-00 L-03 AMAD-01 CA-02 JUSE-00 /012 W
-----254371 091636Z /38

P 091558Z MAY 84
FM AMEMBASSY BONN
TO SECSTATE WASHDC PRIORITY 9240

RECEIVED

MAY 10 1984

OFFICE OF
SPECIAL INVESTIGATIONS

UNCLAS BONN 12279

E.O. 12356: N/A
TAGS: CFED (IVAN DEMJANJUK)
SUBJECT: JUDICIAL ASSISTANCE: WAR CRIMES INVESTIGATIONS
(OSI: 146).

OBERSTAATSANWALT WEISSING, STAATSANWALTSCHAFT DORTMUND;
PRESENTS THE FOLLOWING REQUEST FOR ASSISTANCE TO THE O.S.I.

IN THE COURSE OF THE REOPENING OF PROCEEDINGS AGAINST
FRENZEL (A FORMER STAFF MEMBER OF THE EXTERMINATION CAMP
SOBIBOR), THE STAATSANWALTSCHAFT DORTMUND HAS LEARNED
THAT, UPON THE REQUEST OF THE O.S.I., A WITNESS WAS
QUESTIONED BY THE APPROPRIATE PUBLIC PROSECUTOR'S OFFICE
IN THE USSR ABOUT THE SOBIBOR COMPLEX. THE QUESTIONING
WAS CONDUCTED AT THE END OF 1983/BEGINNING 1984 IN
CONNECTION WITH O.S.I. PROCEEDINGS AGAINST IVAN DEMJANJUK.

OBERSTAATSANWALT WEISSING ASKS TO BE INFORMED OF THE NAME
OF THE WITNESS AND WOULD APPRECIATE RECEIVING A COPY OF
THE PROTOCOL. BURNS

UNCLASSIFIED

Department of State

TELEGRAM

PAGE 01 BONN 16146 191059Z
ACTION OCS-06

156

INFO OCT-00 ADS-00 L-03 AMAD-01 CA-02 JUSE-00 /012 W
-----352213 191100Z /38

P 191059Z JUN 84
FM AMEMBASSY BONN
TO SECSTATE WASHDC PRIORITY 0699

UNCLAS BONN 16146

E.O. 12356: N/A
TAGS: CFED ()
SUBJECT: JUDICIAL ASSISTANCE: WAR CRIMES INVESTIGATIONS

REF.: BONN 12279 AND MEETING OF OSI DEPUTY DIRECTOR MICHAEL
WOLF/OSTANW WEISSING, STAATSANWALTSCHAFT DORTMUND ON MAY
21 AND 22, 1984

OSTAW WEISSING ADVISES THAT HE HAS BEEN INFORMED BY A
REPRESENTATIVE OF THE USSR PROSECUTOR'S OFFICE THAT THE NAME
OF THE WITNESS WHO WAS QUESTIONED ON THE SOBIBOR COMPLEX ON
BEHALF OF THE O.S.I. IS IGNAT KERENKEWITSCH DANETSCHENKO.
OSTAW WEISSING WOULD VERY MUCH APPRECIATE RECEIVING A COPY
OF THE INTERROGATION PROTOCOL. WOESSNER

RECEIVED

JUN 21 1984

OFFICE OF
SPECIAL INVESTIGATIONS

Shay
Wolf

Githens
Travel

UNCLASSIFIED

EXH. D

Email from David Rich to Dr. Lutz, dated February 2, 2011

Von: Alt, Ralph <Ralph.Alt@lg-m2.bayern.de>

An: drulibusch@aol.com; Lutz, Hans-Joachim, Dr. <Hans-Joachim.Lutz@sta-m1.bayern.de>; niklas@mantscheff.de; stefan@kanzlei-schuenemann.de; m.koch@wallasch-koch.de; info@laurent-kleidermann.de; rae@pvkgl.de; c.nestler@uni-koeln.de; my@ra-manuel-mayer.de; martinmendelsohn@verizon.net; bloch@kbgadvocaten.nl

Thema: WG: Demjanjuk

Datum: Mo., 7. Feb. 2011, 11:22

Anhang: Graf_-_Sobibor.pdf (576K)

LANDGERICHT MÜNCHEN II - 1. STRAFKAMMER
Postfach, 80097 München
Telefon: (089) 5597 - 5296 - Telefax: (089) 5597 - 4895

Az. 1 Ks 115 Js 12496/08

Strafverfahren gegen Demjanjuk John
wegen Beihilfe zum Mord

Sehr geehrte Damen und Herren,

das untenstehende Email samt Anlage zur Kenntnis.

Mit freundlichen Grüßen
Alt
Vorsitzender Richter
am Landgericht

-----Ursprüngliche Nachricht-----

Von: Rich, David [<mailto:David.Rich@usdoj.gov>]
Gesendet: Freitag, 4. Februar 2011 22:14
An: Rich, David; Lutz, Hans-Joachim, Dr.
Cc: Alt, Ralph
Betreff: RE: Demjanjuk

First, I'm sorry: the pages I sent earlier was missing the relevant page. It is now included in the attachment.
In addition, the book from which this excerpt came is found at:

<http://www.holocausthandbooks.com/dl/19-s.pdf>

David
<<Graf - Sobibor.pdf>>

From: Rich, David
Sent: Friday, February 04, 2011 12:01 PM
To: Lutz, Hans-Joachim, Dr.
Cc: Alt, Ralph
Subject: RE: Demjanjuk

Hello Hans-Joachim,

We researched your questions some more. I found a reference to a statement of Danilchenko, supposedly given on 25 January 1985. The statement was quoted in:

Jürgen Graf et al., Sobibor: Holocaust Propaganda and Reality
(Washington DC: Barnes Review, 2010), S. 151. I have attached that page for you.

[NB. Jürgen Graf served as Rechtsanwalt in the trial of Zundel and Mahler, and his co-authors are both well-known Holocaust deniers.]

Graf's footnote is to Jules Schelvis, Sobibor [English version: S. 114-115 fn 30]. I can confirm that we do not have a copy of this Danilchenko statements.

I hope this is of some help.

David

<< File: Graf - Sobibor.pdf >>

-----Original Message-----

From: Lutz, Hans-Joachim, Dr. [<mailto:Hans-Joachim.Lutz@sta-m1.bayern.de>]
Sent: Thursday, February 03, 2011 2:37 AM
To: Rich, David
Subject: AW: Demjanjuk

Vielen Dank für die Mühe!

Hans-Joachim

Mit freundlichen Grüßen,

Dr. Hans-Joachim Lutz
Staatsanwalt als Gruppenleiter
Staatsanwaltschaft München I
Linprunstr. 25
80335 München
Tel.: 089 5597-4830
Fax: 089 5597-5145

-----Ursprüngliche Nachricht-----

Von: Rich, David [<mailto:David.Rich@usdoj.gov>]
Gesendet: Mittwoch, 2. Februar 2011 19:52
An: Lutz, Hans-Joachim, Dr.
Cc: Rich, David
Betreff: RE: Demjanjuk

Hello Dr. Lutz,

I have searched carefully three document collections (including "Trawniki Central") for any Vernehmungen of Ignat Danil'chenko from 1983 or 1984 (or any date in the 1980s). There are no such documents in those collections.

Please do not hesitate to contact me if you have additional questions.

David Rich

-----Original Message-----

From: Lutz, Hans-Joachim, Dr. [<mailto:Hans-Joachim.Lutz@sta-m1.bayern.de>]
Sent: Wednesday, February 02, 2011 10:28 AM
To: Rich, David
Subject: Demjanjuk

Hallo, David,

Dr. Busch hat aus einem Schreiben eines Dortmunder Staatsanwalts aus den 1980-er Jahren zitiert. Dieser fragte nach einer Zeugenvernehmung bezüglich Sobibor aus dem Jahr 1983 oder 1984. Es soll sich hierbei um eine Aussage des Ignat Danilchenko handeln.

Weißt Du etwas über eine Aussage des Ignat Danilchenko aus dem Jahr 1983 oder 1984? Wenn Du eine solche Aussage hast, bitte übersende sie mir.

Vielen Dank für Deine Bemühungen,

Hans-Joachim

Mit freundlichen Grüßen,

Dr. Hans-Joachim Lutz
Staatsanwalt als Gruppenleiter
Staatsanwaltschaft München I
Linprunstr. 25
80335 München
Tel.: 089 5597-4830
Fax: 089 5597-5145

It is apparent that Arad is basing his description on Rückerl's summary (without stating his source), but whereas Arad claims that each chamber had a capacity of $(1300 \div 6 =) 217$ people, the Hagen court came to the conclusion that merely 80 people could be herded into each chamber, "if they stood tightly packed."⁴⁵⁰

Three years after the publication of his standard work on the Reinhardt camps Arad lowered the individual capacity of the new chambers to 160-180 victims in the entry for Sobibór in *The Encyclopedia of the Holocaust*.⁴⁵¹ Léon Poliakov on the other hand, in his preface to Novitch's Sobibór anthology, writes that the new chambers had a total capacity of 2,000 victims.⁴⁵² Schelvis admits:⁴⁵³

"It is virtually impossible to deduce from the various witness examinations and documents how many people were actually killed at any one time in the gas chambers; the numbers given by the SS men and one Ukrainian are too divergent."

He then adds in a note to this passage the following chronicle of inconsistency:⁴⁵⁴

"Bauer on 6 October 1965 in Hagen: around 50 to 60 per chamber; Frenzl on 10 October 1966 in Hagen: in groups of 250, possibly 150; Bolender on 5 June 1961 in Munich: 40 to 50 in one chamber; Gomerski on 19 September 1961 in Butzbach: 60 to 80 in one room ('I remember clearly that 250 people were counted off each time and then gassed'); Daniltschenko, a Ukrainian guard, in Lisakowsk on 25 January 1985: 'Each room could accommodate 250 persons. There were six chambers.' Since Daniltschenko started work at Sobibór only in 1943, the numbers given by him relate to the new, enlarged gas chambers. As for the others, it is not known whether their figures relate to the old or the new chambers. The judges in Munich concluded that, after the new gas chambers had been established, a gassing procedure could have killed up to 1,500 people at a time. The court at Hagen included in its verdicts of 1966 and 1985^[455] that the most likely number of people gassed per procedure can be put at 480. It was found to be a reasonable assumption that each of the six gas chambers could hold 80 people."

⁴⁵⁰ *Ibid.*, p. 173.

⁴⁵¹ Cf. chapter 2.1.

⁴⁵² M. Novitch, *op. cit.* (note 39), p. 12.

⁴⁵³ J. Schelvis, *op. cit.* (note 71), p. 102.

⁴⁵⁴ J. Schelvis, *op. cit.* (note 71), pp. 114-115, note 30.

⁴⁵⁵ The latter being the appeal trial of former SS man Karl Frenzel.

tions. In 1998 it was translated into German,⁷⁰ and an English edition appeared in 2007.⁷¹ The latest Dutch edition⁷² was published in 2008. The various editions differ considerably in critical points. In the discussion below we will proceed as follows: Wherever the English edition agrees with the latest Dutch edition, we will quote from the English version or indicate the corresponding page number. In case of discrepancies we consider the latest published edition to be valid, as one may assume that it reflects the latest views of the author. In each particular case we will indicate what version the quotation was taken from.

Jules Schelvis' interest in Sobibór has a very personal and tragic background. On 1st June 1943 he was deported to that camp together with his wife Rachel and other relatives. They were part of a group of 3,006 Dutch Jews. Within a few hours of his arrival at the camp he was moved to the Doruhucza labor camp together with some 80 other detainees. After a two-year Odyssey through Poland and Germany, he was eventually liberated by French troops in the south German town of Vaihingen on 8 April 1945. He claims to have been the only survivor of his transport (p. 4).

With its vast bibliography and its wealth of footnotes, *Sobibór – A History of a Nazi Death Camp* formally satisfies all criteria of scientific work. In contrast to nearly all of his predecessors, Schelvis, in his description of the “extermination camp,” turns out to be an intelligent pragmatist who throws out all manner of useless junk found in the traditional literature. By and large he dispenses with horror stories of the kind which immediately disqualify the tale of someone like Miriam Novitch in the eyes of a critical reader. His SS men do beat the Jews with whips and sticks when they do not work hard enough, but they refrain from sewing rats into their trousers, urinating into their mouths or ripping babies apart. While the prisoners regarded SS man Bredow “as a violent person who ill-treated them incessantly” (German version, p. 299), they do not say – as Miriam Novitch does – that he had a daily quota of fifty detainees which he would kill with his gun.

When dealing with the accounts of eye witnesses, Schelvis takes care to discard all obviously incredible passages. Hence, he does devote a lot of space to Alexander Pechersky, the key witness, and lists the 1967 English translation of his 1946 report in his bibliography. On the

⁷⁰ Jules Schelvis, *Vernichtungslager Sobibór*, Metropol Verlag, Berlin 1998.

⁷¹ Jules Schelvis, *Sobibór. A History of a Nazi Death Camp*, Berg Publishers, Oxford 2006.

⁷² J. Schelvis, *Vernietigingskamp Sobibór*, De Bataafsche Leeuw, Amsterdam 2008.

SOBIBÓR

HOLOCAUST PROPAGANDA AND REALITY

In May 2009, 89-year-old Cleveland autoworker John Demjanjuk was deported from the United States to Germany, where he was arrested and charged with aiding and abetting murder in at least 27,900 cases. These mass murders were allegedly perpetrated at the Sobibór 'death' camp in eastern Poland. According to mainstream historiography, 170,000 to 250,000 Jews were exterminated there in gas chambers between 1942 and 1943. The corpses were buried in mass graves and later incinerated on an open-air pyre. But do these serious claims really stand up to scrutiny?

In *Sobibór: Holocaust Propaganda and Reality*, the official version of what transpired at Sobibór is put under the microscope. It is shown that the historiography of the camp is not based on solid evidence, but on the selective use of eyewitness testimonies, which in turn are riddled with contradictions and outright absurdities. This book could exonerate John Demjanjuk.

For more than half a century, mainstream Holocaust historians made no real attempts to muster material evidence for their claims about Sobibór. Finally, in the 21st century, professional historians carried out an archeological survey at the former camp site. Their findings—and the findings of many others—are here presented in detail and laid implications for the extermination camp theory are revealed.

SOBIBÓR: HOLOCAUST PROPAGANDA AND REALITY (softcover, 434 pages, indexed, illustrated, #536, \$25 minus 10% for TBR subscribers) can be ordered from TBR Book Ctr., P.O. Box 13877, Washington, D.C. 20003. Inside U.S. add \$5 S&H. Outside U.S. email TBRca@aol.com for best S&H to your nation. To charge a copy to Visa, MasterCard, AmEx or Discover, call TBR toll free at 1-877-773-9077. Bulk prices available. Email TBRca@aol.com.

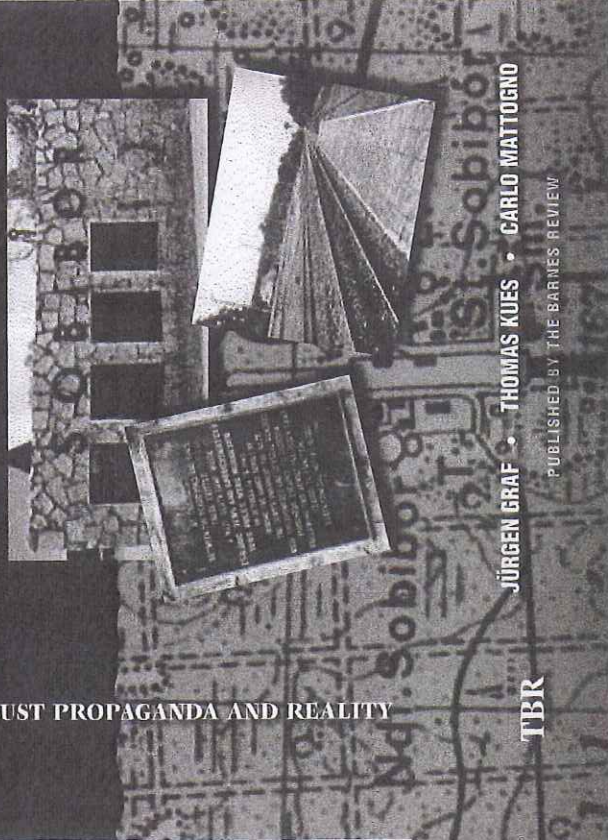


SOBIBÓR: HOLOCAUST PROPAGANDA AND REALITY

TBR

JÜRGEN GRAF • THOMAS KUES • CARLO MATTIGNO

PUBLISHED BY THE BARNES REVIEW



EXH. E

Declaration of Bridget Prince

One World Research

Public Interest Research and Investigations

Statement of Bridget Prince, Executive Director at One World Research

1. **Education and Qualifications.** I hold a Masters from the London School of Economics Center for the Study of Human Rights and a BA from Kings College, London.
2. **Experience.** I have extensive experience orchestrating research and investigations on criminal defense cases, capital litigation, domestic terrorism cases, and labor and human rights issues. Since 2007 I have worked as an investigator and researcher for One World Research (OWR), a public interest research firm based in New York and London. In August 2010 I became the Executive Director of the firm. Prior to working at OWR I worked in 2004-2006 as an investigator for the Habeas Corpus Resource Center focusing on the appeals of men on California's death row. Prior to that I worked for two years as a private investigator in San Francisco primarily providing investigation services for criminal defense cases. From 2000-2002 I worked as an ethnographer for the University of California, carrying out research on human rights and health issues in San Francisco and Vietnam.
3. OWR utilizes a network of experienced investigators and researchers with extensive experience in countries around the world. We locate witnesses, obtain affidavits, documents, and other evidence from foreign countries, draft up-to-date country and issue specific reports, and identify expert witnesses. We have worked on numerous cases in the United Kingdom and the United States, providing

investigation services for clients in many different parts of the world: North and East Africa, Central and South East Asia, Central America and Europe among other locations.

4. In June 2011 the Federal Defenders of Ohio contacted OWR and asked if we could assist with some investigation in the case of US vs. John Demjanjuk. Specifically we were asked to carry out some research and investigation in the village of Dubovi Markharyntsi where John Demjanjuk (a.k.a Ivan M. Demjanjuk) was born in the Ukraine. We were asked to look into the issue of the possibility of a second man with the same name of Ivan Demjanjuk and similar age from the same village as detailed in a story written by Natalia A. Feduschak of the Kiev Post published in June 2011.
5. I identified and hired a local researcher in Kiev by the name of Yulia Samus who came recommended to me by a respected human rights NGO. Yulia Samus, under my direct supervision, has travelled to the village of Dubovi Markharyntsi on two occasions and has interviewed local villagers and gathered documents from the local archives. The investigation is still ongoing but below is a summary of some of our provisional investigation findings:

Interviews of Lidiya Ivanivna Pavliuk- Head of the Village Council

6. On October 20th 2011 and November 16th 2011 OWR interviewed Lidiya Pavliuk, the head of the village council of Dubovi Markharyntsi. Ms. Pavliuk has worked for the village council since 1990 and was elected head of the council in 2004. She has spoken to many people in the village about both men called Ivan Demjanjuk (Ivan

A. Demjanjuk and Ivan M. Demjanjuk a.k.a John Demjanjuk) and has reviewed the records which still exist in the village archives.

7. Ms. Pavliuk stated that the issue that another man called Ivan A. Demjanjuk could have been a prison camp guard first arose in 1969 when the KGB summoned a villager called Petro Bondaruk to Vinnytsya to identify a man he has served with during the war. Mr. Bondaruk returned to the village and said that the KGB had shown him a photo of a villager called Ivan A. Demjanjuk not of Ivan M. Demjanjuk who he had served with.
8. Ivan A. Demjanjuk was born in Dubovi Makharyntsi into a poor family. He worked as a tractor driver in the village collective farm. He left during World War II and did not come back until eight years after the war was over in 1953. He came with his wife who he had married while he was away. Her name was Yuliya Fedorivna Demjanjuk . He also came with his two daughters who were called Lyuba and Halyna. Nobody knows where the marriage was registered, nor where his wife was from or who she was. He didn't talk about his past or where he had been for the eight years after the end of the war.
9. There were some rumors in the village that he was mean to his wife Yuliya and hit her. In response Yuliya was heard saying threatening things to him implying that he was hiding something. She was reported to have said things like "Stop humiliating me or I will tell everything about you, and then you will be where you should be now."

10. On January 8th 1970 Ivan A. Demjanjuk committed suicide in the village. This was shortly after Petro Bondaruk had returned from his meeting with the KGB and told Ivan A. Demjanjuk that the KGB was looking for him.
11. Each time the trial of Ivan M. Demjanjuk started journalists from all over the world (Ukraine, Poland, Russia, France, Germany, USA, UK) came to the village and asked for information about Ivan M. Demjanjuk. From 1987 until 2000 the General Procuracy of Ukraine regularly sent requests to the village council asking the council to provide information for Ivan M. Demjanjuk but no requests for information on this other man, Ivan A. Demjanjuk, were made.
12. A relative of Ivan M. Demjanjuk called Mariya Demjanjuk claimed to have received letters and photos from Ivan M. Demjanjuk during the war. Around about the time of the first trial of Ivan M. Demjanjuk the KGB came and asked her to show them everything she received from him. Mariya did so believing it would help her relative, but they took everything away instead; all the photographs and letters which Ivan M. Demjanjuk sent her during the war time. She claimed that she had received a letter from Ivan M. Demjanjuk, which could refute the accusations of his being a death camp guard at Sobibor, since he wrote it from a different place at the time when he is accused of serving at Sobibor. Mariya Demjanjuk passed away in 2003.
13. As far as Ms. Pavliuk knows no research on Ivan A. Demjanjuk and his call-up was made by the General Procuracy of Ukraine or any other state body. Even though more recently journalists have been asking about Ivan A. Demjanjuk still nobody has done proper research of archives in the village.

14. Many of the older members of the village who would have remembered something have died already, these include:

- **Petro Savovych Bondaruk** (born 1920; died November 4, 2007), a close friend, who fought alongside Ivan M. Demjanjuk in the same division. He could have testified that Ivan M. Demjanjuk did serve in the army and stated when the last time he saw him was.
- **Mariya Avramivna Dem`yanyuk** (1921; died 2003), Ivan M. Demjanjuk's relative. She could have testified that she received letters and photographs from him during the war time. According to her, those letters and photographs were sent from a different place from where Ivan M. Demjanjuk has been accused of serving as a death camp guard at the same time.
- **Yevdokiya Zagrebel`na** (born 1925; died June 3, 2011), a neighbor. She could have testified that she received letters from Ivan M. Demjanjuk during the war time. Those letters were also seized by the KGB.

Interviews of Petro Petrovych Bondaruk – son of Petro Savovych Bondaruk

15. On October 20th and November 17th 2011 OWR interviewed Petro Petrovych Bondaruk who lives in Kozyatyn near to Dubovi Markharyntsi. Mr. Bondaruk is the son of Petro Savovych Bondaruk who was a friend of Ivan M. Demjanjuk and who fought alongside him during the war.

16. Mr. Bondaruk's father's name is Petro Savovych Bondaruk (14 October 1920 – 4 November 2007). Ivan M. Demjanjuk and his father were good friends and they knew each other from their childhood. They went to school and played together. In 1940 they both were called up to serve in the army in Bessarabia near Moldova.

They served together there. When the war started in 1941 they fought in the same Red Army division at the southern front. They were artillerymen. His father told Mr. Bondaruk a lot about their war time activities. They brought in enemy soldiers for interrogation together; they shared food; they retreated through a river to escape the enemy forces having to carry a heavy gun with them. In general, they went through a lot of trials and tribulations of the war helping and supporting each other. His father would often reminisce about their service together. After about a year of fighting side by side Ivan M. Demjanjuk was wounded in the thigh. His father recalled that he heard him calling for help from the trench during artillery preparation. His father saw he was seriously injured, so along with Ivan Mynovych (a man from Dubovi Makharyntsi who died in the 1980s), he hoisted Ivan M. Demjanjuk on a vehicle never to see his friend again.

17. Mr. Bondaruk's father told him that he fought for fifteen months in total on the front line until he was wounded in his leg by a shell splinter near Mykolayiv, and was hospitalized in 1942. After the end of the war Mr. Bondaruk's father came back to the village.

18. In 1969 the KGB summoned Mr. Bondaruk's father for a talk in Vinnytsya. They placed 3 photographs in front of him to identify the man they were looking for-Ivan Demjanjuk. They wanted his father to confirm that was his friend in the photographs. But there was no photograph of Ivan M. Demjanjuk among them but rather a photo of Ivan A. Demjanjuk. Ivan A. Demjanjuk was skinny, and Ivan M. Demjanjuk was rather a big and strong man, he couldn't possibly mistake them. The KGB told Mr. Bondaruk's father to keep his mouth shut.

19. When Mr. Bondaruk's father came back to the village, he told Ivan A. Demjanjuk that the KGB was interested in him. His reaction was really strange. He didn't respond. His facial expression changed, and he just left. When the villagers started to discuss the KGB story on the field at work Ivan A. Demjanjuk would just stand aside or go back to his tractor, and would keep silent.
20. Ivan A. Demjanjuk hung himself some two or three weeks after he was told the KGB was looking for him.
21. The KGB met Mr. Bondaruk's father a couple of times again after the first talk. They seized all the pre-war photographs in which he was pictured with Ivan M. Demjanjuk. Out of twenty photos his father owned only two are left. His father was adamant about Ivan M. Demjanjuk's innocence until his death. He kept saying it was a terrible mistake and he would never believe Ivan M. Demjanjuk could do anything of what he has been accused. He was ready to testify in court and was willing to travel to see his friend. He would have done so, if not for his illness and death.
22. In his last years of life Mr. Bondaruk's father became really weak and suffered from sclerosis. Although he would forget what was happening yesterday or a month ago, he never forgot what happened during the war. Despite his illness, he told the same stories over and over again, and they were the same as he told them the very first time.
23. This other man Ivan A. Demjanjuk was born in Dubovi Makharyntsi into a poor family. He had two sisters. The name of one of them was Nadiya. He and his family worked on the collective farm. He was a tractor driver.

24. As a child, Mr. Bondaruk knew Ivan A. Demjanjuk from the village; he was a teenager when Ivan A. Demjanjuk committed suicide. Mr. Bondaruk remembers something glittering in Ivan A. Demjanjuk's mouth when he talked which could have been metal teeth.
25. Nobody knows about Ivan A. Demjanjuk's wartime activities, or where he was for eight years after the end of the World War II. He came back to the village with a wife and two daughters. His wife Yuliya Demjanjuk wasn't from Dubovi Makharyntsi. Unlike the villagers she spoke Russian, so she might have been from the eastern Ukraine or Russia. It was a troubled marriage. People said Yuliya cheated on him. He would often beat her. She would threaten him and say "Stop humiliating me or I will tell everything about you." And that would stop him, because he was obviously afraid of what she might have told.
26. Ivan A. Demjanjuk never talked much. He never attended the celebrations for Victory Day with the veterans. This was really strange and suspicious, since it was the biggest holiday for those who went through the war. Everybody would celebrate and share their experiences but Ivan A. Demjanjuk never joined in. Ivan Yaschuk, the nephew of Ivan A. Demjanjuk, told Mr. Bondaruk that Ivan A. Demjanjuk never talked about his war time activities, nor did he have any awards from the war. It is very unlikely he actually fought against the Nazis. Nobody knows anything about his service in the Red Army.
27. One time two veterans recognised each other in the village from the time they were together in a concentration camp during the war. Ivan A. Demjanjuk was there when this happened and he just left. He seemed to avoid people in the village ever since this moment; he might have been afraid of being recognised.

Archives research

28. OWR has carried out research in the village archives with the help of the head of the village council, Lidiya Pavliuk. It is difficult to completely trace the family relations of the two Ivan Demjanjuks since the archive books are only from the 1950's and no earlier records have survived. However OWR has so far gathered documents indicating the presence of Ivan A. Demjanjuk in the village from 1953 until his death. We have also been able to identify a number of the relatives of Ivan A. Demjanjuk. Ivan A. Demjanjuk's wife Yuliya left the village for good on April 23 1970 after his suicide. The archives say she left to Kozyatyn but people say she went to Kherson [south Ukraine] in fact.

Ongoing investigation

29. OWR considers this investigation to be ongoing and not complete at this time. We are still trying to locate living relatives of Ivan A. Demjanjuk and other village residents, as well as continuing to collect further documents. The name of Ivan Demjanjuk in the Ukraine, and especially in this part of the country, is similar to that of John Smith in the United States. It is possible that the identities of the two Ivan Demjanjuks from this village were transposed decades ago by government officials.

30. I confirm that the above statement is true to the best of my knowledge and belief:

Bridget Prince

Bridget Prince
Executive Director
One World Research

January 4th 2012

Date

EXH. F

originally filed as is Exh. 2 to Doc. 112,
Deft's Motion to Take Discovery Concerning Ukrainian Documents
Based on Govt. Investigation in March and April 2001
and Not Produced Until May 12, 2001, filed May 21, 2001

0042-1021

CERTIFICATE OF TRANSLATION

I, Werner Sämmler Hindrichs, certify that I am competent to translate this document, and that the translation is true and accurate, to the best of my abilities.

English Title: Soviet Card for IVAN (ANDREEVICH) DEM'YANYUK. Not dated.

Russian Title: Sovetskaya kartochka - IVAN (ANDREEVICH) DEM'YANYUK. Bez daty.

I certify, under penalty of perjury, pursuant to 28 U.S.C. §1746, that the attached translation is true and correct.

Executed this 7th day
of August, 2000.



Werner Sämmler Hindrichs
Certified Translator for the
Russian Language

ANTIQUARIAT LITERARY SERVICES, INC.
Member of the American
Translators Association

39824

0042-1021

<p>IVAN ANDREEVICH DEM'YANYUK <i>year of birth 1918 - 1919, 1920, born, resident of the village of</i> <i>Dubovye Makharintsy , Kazatin Rayon</i> <i>Vinnitsa [Vynnytsya] ROblast</i></p>	
<p><i>Travniki</i> [Trawniki] <i>Lyublin</i> [Lublin] <i>L'vov</i> [L'viv]</p>	
<p><i>Kazatin Rayon</i> <i>Resides in: village of Dubovye Makharintsy, Vinnitsa Oblast</i></p>	<p><i>Liternoe delo</i> [sensitive file] 166, Vol 4, p. 245 <i>statement of LITVINENKO, Archival</i> <i>Criminal Delo 57252</i> <i>Volume IV, page 79</i></p>
<p><i>Lyublin</i> <i>L'vov</i></p>	

39825

148

Д Е М Е Т Р И Й М Е Д В Е Д Е В
1918-19 г. 1920, р. уроч. Дытское Микояновское, Казанцевское р-ов
Бригадирское п.с.н.

39826

Традиция
Медвед
Редко

Медведов : с Дытское Микояновское, Казанцевское р-ов
Медвед
Медвед.

Медвед 2166 7-4 с.г. 245
Медведов. с.г. 2.5782
1.15 с.г. 49.

EXH. G

originally filed as Exh. 3 to Doc. 112, Deft's Motion to Take Discovery
Concerning Ukrainian Documents Based on Govt. Investigation
in March and April 2001 and Not Produced Until May 12, 2001, filed May 21, 2001

ПРОКУРАТУРА УКРАЇНИ

ПОЯСНЕННЯ

м. Козятин

"12" квітня 2001 р.

Прокурор, пом. прокурора слідчий прокуратури Козятинського району Вінницької області молодший радник юстиції Кузьм'яцький П.В.
у відповідності зі ст. 97 КПК України опитав:

1. Прізвище, ім'я та по батькові Дем'янюк Мар'ю Аврамівну
2. Число, місяць і рік народження 08 жовтня 1921 року
3. Місце народження с. Дубові Махаринці, Козятинського району
4. Національність українка 5. Громадянство України
6. Освіта с/м класів
7. Сімейний стан, наявність неповнолітніх дітей не одружена
8. Місце роботи, посада пенсіонерка
9. Домашня адреса с. Дубові Махаринці, Козятинського району
10. Чи є депутатом не являється
11. Судимість з/слів раніше не судима

Положення ст. 63 Конституції України роз'яснено.

Мар'я Дем'янюк
По суті заданих запитань пояснила, що Дем'янюк Іван Андрійович, 09 лютого 1920 року народження мій двоюрідний брат по лінії мого батька. Крім мене в с. Дубові Махаринці, Козятинського району із родини Дем'янюка І.А. нікого не має, так як помирали та переїхали на інше місце проживання. Наскільки мені відомо Дем'янюка І.А. було призвано на військову службу до війни, приблизно в 1940 році. Де Дем'янюк І.А. проходив військову службу до війни та під час війни я не знаю, так як з ним не листувалась і взагалі ніяких стосунків не підтримувала.

Коли настала війна та німці окупували наше село то я працювала в місцевому господарстві. В березні місяці 1942 року мене серед інших жителів села німці вивезли до Німеччини на примусові роботи. В Німеччині я була на роботах поблизу міста Нойштат та працювала в приватних осіб, зокрема я працювала в господаря Карла Бернада. В нього я працювала до 1945 року, тобто до звільнення частинами Радянської Армії. Після цього приблизно через два місяці я повернулась в рідне с. Дубові Махаринці, Козятинського району, де знову працювала в місцевому колгоспі на різних роботах.

Після війни про долю Дем'янюка І.А. мені не було нічого відомо, де він знаходився я не знала, але знала з слів родичів, що він на війні не погіб, тобто що Дем'янюк І.А. є серед живих та проживав десь в Середній Азії, але де зокрема я не знала і такі відомості мені не націкавили.

Мар'я Дем'янюк

На той час по селу ходили плітки, що Дем'янюк І.А. проходив службу в армії генерала Власова та був у німецькому полоні, але це були плітки! ніяких достовірних, тобто офіційних даних з цього приводу я не знала.

Приблизно в 1955 чи 1956 році Дем'янюк І.А. разом з своєю дружиною, Ілією та двома дочками Любою та Галиною приїхали в с.Дубові Махариці, Козятинського району на постійне місце проживання. Я з ними підтримувала дружні відносини, але ні Іван та його дружина мені нічого про військову службу Івана під час війни не розповідали, а я про це їх не розпитувала.

Після повернення в село Дем'янюк І.А. працював трактористом в місцевому колгоспі, а його дружина Ілія також працювала в колгоспі на різних роботах. Спочатку Іван та Ілія між собою жили в добрих стосунках, а згодом Ілія почала зраджувати Івана з іншими чоловіками та погрожувала Івану, що розповість жителям села, що він проходив військову службу під час війни в армії генерала Власова. На цьому ґрунті Іван розпочав зловживати спиртними напоями та приблизно в 1969 чи 1970 роках Дем'янюк І.А. покінчив життя через самогубство, тобто повісився у себе дома в жиллому будинку. Похований він на місцевому кладовищі в с.Дубові Махариці, Козятинського району. Після цього випадку його дружина пропала в селі будинок та з своїми дітьми виїхали в місто Козятин. В с.Дубові Махариці, Козятинського району Дем'янюк І.А. померлихсь з Серединою Азії побудував власний будинок на подвір'ї своєї батьків, які на той час уже помирали.

Дружина Дем'янюка І.А. в м.Козятині виїхала заміж, але в шлюб з тим чоловіком вона прожила не довго та кудись виїхала з м.Козятини, де вона зараз проживає я не знаю.

Особисто в мене документів, що посвідчують особу Дем'янюка І.А. в яких є записи про проходження ним служби під час війни не має.

Як я говорила раніше мені нічого не відомо про Дем'янюк І.А. проходив військову службу під час війни чи служив він в окупантах чи ні я не знаю. В селі таких пліток не було, сам Дем'янюк І.А. чи його дружина про це мені чи комусь іншому із членів родини про це нічого не говорили.

Більше нічого з цих запитань я повідомити не можу.

Мені прочитано вголос, з моїх слів записано вірно, доповнень та зауважень ніяких не маю.

Підпис опитуваного

Людмила Величкова

Підпис прокурора (помічника)

В.В. Задіна

Підпис судового прокурора Козятинського району
В.В. Задіна
 Судовий прокурор
 Козятинського району
 10.05.2001

EXH. H
translation of Exh. G

CERTIFICATE OF TRANSLATION

I, Yulia Samus, certify that I am competent to translate this document and that the translation is true and accurate to the best of my abilities. Certifications have not been translated here.

English Title: Procuracy of Ukraine. Statement.

Ukrainian Title: Prokuratura Ukrainy. Poyasnennya.

Executed this 5th day

of January, 2012

Yulia Samus
Certified Translator for the
English and German Languages

National Taras Shevchenko University in Kyiv
Department of Translation Studies, Ph.D

PROCURACY OF UKRAINE

STATEMENT

Kozyatyn town

April 12th 2001

According to the Article 97 of the Criminal Code of Procedure in Ukraine, Prosecutor, Prosecutor's Assistant, Criminal Investigator of the Procuracy of Kozyatyn region in Vinnytsya Oblast', Junior Counselor of Justice P.V. Kuzmins'ky interviewed:

1. Last name, first name, patronymic: Dem`yanyuk Mariya Avramivna
2. Date of Birth: 8 October 1921
3. Place of Birth: Village of Dubovi Makharyntsi of Kozyatyn region
4. Nationality: Ukraine
5. Citizenship: Ukraine
6. Education: seven grades
7. Marital Status, Minor Children: Single
8. Place of Work, Position: Retired
9. Address: Village of Dubovi Makharyntsi of Kozyatyn region
10. If he/she is a Deputy: No
11. Criminal Record: according to her words, she has no previous conviction

The provision of the Article 63 of the Constitution of Ukraine was explained.

To the point of the questions Mariya Avramivna Dem`yanyuk was asked, she explained that Ivan Andriyovych Dem`yanyuk was born on February 9th 1920. He is a cousin on my father's side. He has no other relatives in the village of Dubovi Makharyntsi of Kozyatyn region from the Dem`yanyuk family, since they have died or moved away. As far as I know Ivan A. Dem`yanyuk was called up before the war around 1940. I don't know where he served before and during the war, because we didn't correspond with each other and didn't keep in touch, in general.

When the war began and the Nazi Germans occupied our village, I was working in the collective farm. In March 1942 some villagers and I were deported to Germany for forced labor. In Germany I worked for private individuals near Neustadt, in particular for the master Karl Bernard. I worked for him till 1945, when we were freed by the Soviet Army divisions. Later, in some two months I came back to my village Dubovi Makharyntsi of Kozyatyn region, and worked on the collective farm again.

I didn't know anything about Ivan Andriyovych Dem`yanyuk's fate after the war. I didn't know about where Ivan Andriyovych Dem`yanyuk lived. I heard from the relatives that he survived the war and lived somewhere in Middle Asia though. However, I didn't know where exactly he lived. Nor was I interested.

At that time there was gossip in the village that Ivan Andriyovych Dem`yanyuk had been serving in General Vlaslov's army and was captured by the Nazi Germans, but there were no facts that I would know about.

In 1955 or 1956 Ivan Andriyovych Dem`yanyuk came back with his wife Yuliya and his two daughters Lyuba and Halyna and stayed in the village. I was on friendly terms with them, but neither Ivan Andriyovych Dem`yanyuk or his wife told me anything about Ivan's wartime activities. And I didn't ask them.

Having come back to the village Ivan Andriyovych Dem`yanyuk worked as a tractor driver on the collective farm and his wife worked there too. At the beginning Ivan and his wife got on, but later Yuliya began to cheat on him with other men. She threatened him that she would tell the other villagers that he was in General Vlasov's army. Because of this Ivan Andriyovych Dem`yanyuk started drinking, and around 1969 or 1970 he committed suicide by hanging himself at home. He is buried in the local cemetery in Dubovi Makharyntsi village of Kozyatyn region. After the incident, his wife sold the house and left the village to Kozatyn with her daughters. Having come back from Middle Asia, Ivan Andriyovych Dem`yanyuk built his own house on the yard of his parents, who had died by that time.

In Kozatyn his wife got married again, but they did not live together for long, she left the town, but I don't know where she lives now.

I personally don't have any ID documents for Ivan Andriyovych Dem`yanyuk or records of his wartime activities.

As I have already mentioned before, I do not know where Ivan Andriyovych Dem`yanyuk served during the war. Neither do I know if he collaborated with the occupiers. There was no gossip about it in the village. Ivan A. Dem`yanyuk and his wife didn't say anything about it to me or any other family members.

I have no other information regarding these questions.

The text was read aloud to me. I certify it is true to my words. I have no objections or additions.

The signature of the interviewee _____

The signature of the Prosecutor (assistant) _____