



Public defender in Cleveland seeks to help John Demjanjuk, says case may have been tainted

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By

CLEVELAND, Ohio --

A local federal public defender said Friday that he wants to help suspected Nazi prison guard John Demjanjuk, claiming an FBI document unearthed this month undermines the government's longstanding legal fight against him.

The 91-year-old Demjanjuk is on trial in Germany, accused of complicity in the deaths of more than 27,000 people at the Sobibor death camp in Nazi-occupied Poland. He was deported to Munich nearly two years ago after U.S. judges ruled he lied about his wartime past.

In a motion filed in U.S. District Court in Cleveland, Public Defender Dennis Terez said all of Demjanjuk's legal proceedings to date may have been tainted because he believes defense attorneys have not seen all the documents in the case.

He cited a newly found 1985 report by the Cleveland FBI office, which indicated that the Soviet KGB may have worked to create false information about Demjanjuk. The report suggested that a Nazi guard identification card, also called a pass, may have been forged, a claim Demjanjuk's supporters have made for years.

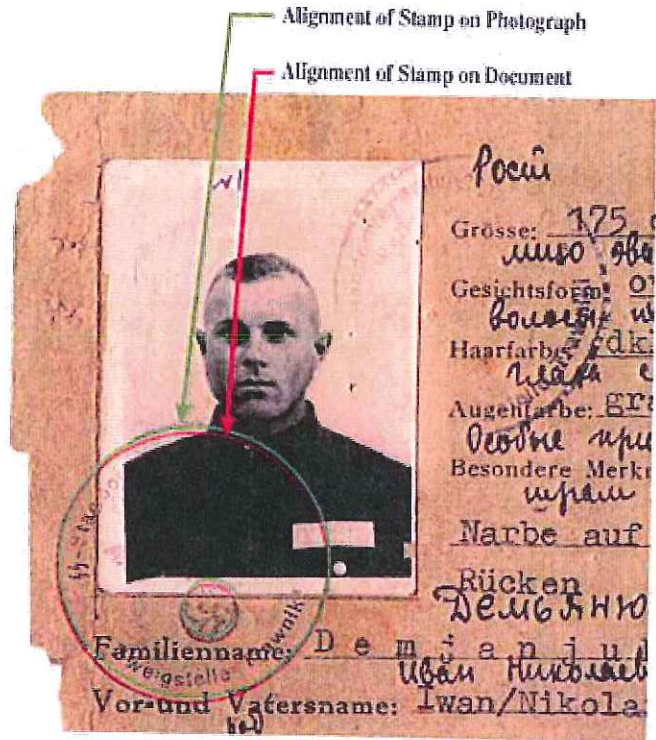


Exhibit 2 - Questioned Identification Document Showing Relationship of Rubber Stamp on Photograph Versus Rubber Stamp on Document.

Associated Press

The Nazi guard pass that John Demjanjuk's supporters have long said was forged. A 1985 FBI report indicates that the Soviet KGB "quite likely fabricated" evidence against Demjanjuk.

EXHIBIT L

The report said federal authorities sought information from the Soviets about suspected Nazi persecutors. The KGB then produced "a record purporting to tie the accused with the commission of Nazi atrocities, which record may be falsified for the express purpose of discrediting the accused," the report said.

"The end result is that justice is ill-served in the prosecution of an American citizen on evidence, which is not only normally inadmissible in a court of law, but based on evidence and allegations quite likely fabricated by the KGB," the FBI report said.

The pass, known as the Trawniki card, has a picture and Nazi identification number of a man named Ivan Demjanjuk, who has the same birth date, hair color, scar on his back and father's name as the former Seven Hills' autoworker.

The Associated Press found the report this month in declassified government documents. The news agency reported that Demjanjuk's attorneys in Munich sought to stop the trial so they could study more documents in the United States. A German judge refused. A verdict is expected in May.

Demjanjuk's deportation to Germany came years after a federal judge in Cleveland stripped Demjanjuk of his citizenship following a 2001 trial.

"The case was tried, judgment entered, and the judgment affirmed," Terez said. "But the government knew then what the world knows now, namely, that its case had been judged not credible by its own FBI."

Eli Rosenbaum, the director of the U.S. Justice Department unit that brought the case against Demjanjuk, could not be reached Friday. But Jonathan Drimmer, the former prosecutor who tried the case in Cleveland, said he never saw or heard of the FBI report.

He said he believes the card is authentic, based on extensive testing of handwriting, paper and ink. He also said there were tests on the typewriting and photograph.

"I don't think there is a single piece of legal evidence that has undergone more scientific and forensic testing than the Trawniki identification card of John Demjanjuk," he said.

Demjanjuk was first accused of being a Nazi guard in 1977, when federal prosecutors identified him as a sadistic camp guard known as Ivan the Terrible, a case based on eyewitness testimony. He was convicted in Israel and spent about six years on death row.



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AP

John Demjanjuk is brought into the courtroom in Munich, Germany, on Feb. 22.



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PD file

Public defender Dennis Terez, shown in 2006.

Previous Plain Dealer coverage

- **Previous coverage of the Demjanjuk trial**

While in Israel, the public defender's office in Cleveland was appointed to represent Demjanjuk in his U.S. appeals. In 1993, his conviction in Israel was overturned, after another man was identified as being the guard.

After he returned to Seven Hills, federal prosecutors accused him again, this time using the wartime documents, including the now-questioned Trawniki card to link him to Sobibor and other two camps.

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