

Thatcher government seeks a 'British OSI'

by Mark Burdman

As a political boon to Moscow, the government of Margaret Thatcher in London formally submitted a War Crimes Bill to the House of Commons on March 8. The bill, should it be passed, would set up an elaborate infrastructure for investigating and prosecuting alleged World War II "Nazi war criminals" now living in Britain. A special police investigations unit would be established, involving detectives, lawyers, interpreters, historians, and archivists. The March 9 *Times* of London commented that this "is expected to be one of the most expensive and complex criminal inquiries conducted in Britain."

Almost all of the entire list of 300 potential suspects are from the Baltic countries. Guess who would benefit from a big campaign now, to defame Lithuanians, Estonians, and Latvians as "Nazis"?

The bill was motivated to the parliamentarians by Sir Thomas Hetherington, the former Director of Public Prosecutions, appointed by the British government last year to a head a "War Crimes Inquiry" that would investigate whether Britain should hold "Nazi war crimes" trials, and by Home Secretary David Waddington. Sir Thomas had traveled to the Soviet Union four times in 1989, to discuss the "war crimes" issue with Soviet officials. As for Waddington, he was recently in the U.S., where he visited the Quantico, Virginia training center of the Federal Bureau of Investigation. He returned to Britain and advised that the U.K. create a national police agency on the FBI model.

Together with Moscow, the U.S. Justice Department, particularly its Office of Special Investigations (OSI), has been lobbying for Britain to set up "war crimes" tribunals, and its own version of the OSI, as Commonwealth countries Canada and Australia have already done.

Sher and Thornburgh

On Oct. 23, 1989, OSI head Neal Sher had been the chief speaker at a one-day conference in London sponsored by the U.K.'s All-Party Parliamentary War Crimes Group, which has lobbied for the new bill. In his speech, he strongly defended use of evidence in Western courts that is supplied from Communist countries, and insisted that there had never been a case in which evidence from Eastern Europe had been overturned. Amazingly enough, he cited as proof of this the case of Karl Linna, an aging man of Estonian origin living in New York, who was sent by the U.S. authorities, on the basis of a civil procedure, to the Soviet Union, where he soon

died at the hands of the Russians.

Shortly before Sher appeared in London, U.S. Attorney General Richard Thornburgh had been in Moscow for several days in October. He met senior Soviet officials, including KGB chief Vladimir Kryuchkov, and signed a number of U.S.-Soviet protocols for legal cooperation, including one on the "anti-Nazi" issue. Thornburgh cosigned a formal Memorandum of Understanding with Soviet Procurator-General A.T. Sukharev, to further U.S.-Soviet collaboration in hunting down alleged Nazi war criminals. This upgraded the years-long cooperation between the OSI and the Soviets.

In the British case, as the *Times* reported March 9, the U.K. Crown Prosecution Service is "likely to request its counterparts" in the Soviet Union to take evidence on its behalf from witnesses too old or frail to attend trials in Britain. Provisions permitting such "letters of request" are contained in the Criminal Justice (International Co-Operation) Bill, introduced earlier this year.

The War Crimes Bill was to go through a second reading in the House of Commons the week of March 19, and must also be debated in the House of Lords, where are clear signs of resistance to its passage. The March 9 *Daily Telegraph* said that the legislation is "certain to arouse fierce controversy in Parliament."

In an interview with the *Sunday Express* March 11, the influential former Lord Chancellor (head of the entire legal profession of the U.K.) Lord Hailsham stated: "I think the whole proposal is against the principle of natural justice. I cannot see a case for it. . . . It raises the fundamental question of how you can assure these people of a fair trial." He said most witnesses in trials of "former Nazis" would have to remember details from 50 years ago.

Hailsham also revealed that out of 301 complaints made against "former Nazis," 148 had been selected out as among the most promising. Of these, it had been discovered that only *four* were worth putting on trial! Of these four, one has since died, one is too ill to stand trial, and one other would be acquitted easily. That leaves a grand total of one apparently valid trial! For the rest of the 301 or 148, he said, the whole process would be a "lottery." Hailsham told the *Sunday Express* that war crimes investigations would "divert enormous amounts of manpower, resources, and judges."

British influentials may get cold feet about going through this whole process if they look at the John Demjanjuk fiasco in Israel. Demjanjuk was accused by the U.S. authorities of being the notorious "Ivan the Terrible" at the Treblinka concentration camp, based on Soviet-doctored evidence and suppression of evidence by the U.S. Justice Department that pointed to the fact that Demjanjuk was *not* Ivan. Tried in Jerusalem, following U.S. pressure that Israel conduct such a trial, he was found guilty and sentenced to death. Now, Israel's courts have agreed to hear a new witness for the defense, who claims to have evidence proving that Demjanjuk was not in Treblinka at the time of the "Ivan" crimes.