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## Interview: Radoslav Artukovic

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# 'You can't use false evidence in court'

*Mr. Artukovic spoke about the OSI actions against his father, Andrija Artukovic, with Scott Thompson on June 11.*

**EIR:** Please give us the details of your complaint to the U.S. Justice Department's Office of Professional Responsibility against Neal Sher and the OSI.

**Artukovic:** . . . I assumed that they [the OSI] were dealing on the up-and-up. I didn't agree with them. I thought they were wrong, and I thought we would beat them. What I didn't count on, was that they were going to use false evidence. . . . The 1985 extradition decision by the Los Angeles court was based upon three affidavits. Each affidavit was false.

**EIR:** Were they written by Neal Sher?

**Artukovic:** No, these were affidavits that were brought over by what was then Communist Yugoslavia. But, the OSI had the expertise to recognize that these were phony. And, rather than carry out their policy, as they talked about publicly at the time, which was to rigorously scrutinize and independently corroborate Communist source evidence, they didn't do anything of the sort. And, what they basically said was, well, we don't have to look at—corroborate—this evidence, because it's being offered in extradition. . . . But, the fact remains that they used false evidence, and therefore the extradition order they obtained was a fraud. And, the question is: Who is responsible for the false affidavits? . . .

They claim they had nothing to do with it. Well, years later, under the Freedom of Information Act, I found out that they're the ones who told the Yugoslavs which testimonies to use. And, they had, in violation of their own public policy, utilized false Communist affidavits without checking them out.

And, they were previously rejected by the U.S. District Court in 1959. And, then they promised the Communists that nothing that was contained in the affidavits that the Communists brought in would be challenged by the defense. They said that the defendant may not attack the truthfulness of any statement made by your witnesses. So, in other words, if the witness is lying through his teeth, you can't attack him.

In 1988, a book came out . . . and I saw that OSI must have other false affidavits by the same perjury. . . . And, when I got *prima facie* evidence of that, I filed a complaint with a U.S. Attorney in Los Angeles. And, then, he kicked the ball

to Washington. An investigation, then, in early 1989. Now, it's been kicking around for a while, but, at first OSI, they denied vehemently—they said that the documents that I said that they had, didn't exist. Well, they do exist. And, in fact, I saw them with my own eyeballs last year in Washington.

The Justice Department finished their investigation somewhere around 1996, and they've been duking around for the last couple of years, trying to figure what to present.

**EIR:** Did you also discover that Neal Sher, or someone else, went to the Yugoslavs and said, "Look, why don't you move for extradition"?

**Artukovic:** Well, what I found out was this: He was subpoenaed from Washington to testify in the proceedings in Los Angeles in February 1985. The purpose of his testimony was to tell the court who had initiated the proceedings: Was it the Yugoslavs or the U.S.? And, if you look at his testimony, that was the whole reason why he was doing the activity in Washington. He kept avoiding the question. . . . He said, "Look, I couldn't tell them to do it." And, I tried to simplify the point. And, he said, "We did nothing to cajole the Yugoslavs to take any action."

Well, a couple of years later under the Freedom of Information Act, I get the cables from the U.S. Embassy in Belgrade. They show he was over there on a trip, and the purpose of the trip was to get the extradition going. And, that, according to the cable—according to the Embassy official—the Yugoslavs said they would take our request for extradition under advisement.

**EIR:** So, you've got perjury.

**Artukovic:** Well, that's what I was concerned about, and the guy complained that they said that the U.S. didn't do anything. Here I've got cables going back from the U.S. Embassy, back to the State Department, back to the Justice Department, saying the opposite.

Then, I got a diplomatic note from the Yugoslavs, saying that they decided to go along with the action for the extradition, based upon a suggestion given to them by the U.S. Justice Department delegation. That was in the diplomatic note where they gave notice that they finally decided to go along with the OSI.

**EIR:** Was there a national security aspect to this case? Was your father working with U.S. intelligence in any way?

**Artukovic:** No. . . . I've never seen any indication of that. But, what I did find interesting was that the Yugoslavs thought that if they cooperated with OSI on this, they could get the FBI and the U.S. intelligence organs to crack down on Croatian anti-Yugoslav activity in the U.S. . . . My position is really a simple one: You can't use false evidence in an American courtroom for any reason. I don't care who you are. I don't care how great you think your motivation is. You can't use false evidence.