Nazis in Australia

Intelligence officers 'did not mislead'

NO evidence was uncovered by the Menzies report to establish that in any instance a British or United States intelligence officer had withheld information from, or otherwise misled, Australian officers about the commission of war crimes by applicants for migration to Australia.

The report said the former officers interviewed denied that any such thing had happened.

It said that in the particular case of Mr Lyenko Urbancich, which had been highlighted in the ABC radio series Nazis in Australia, a detailed examination found no reason to conclude that a British or US intelligence officer had influenced his selection for migration to Australia by misleading Australian selection officers.

"Further, the review has established that there was an explanation, quite apart from the possibility of such influence, to account for persons the object of suspicions as to the commission of war crimes passing the Australian selection process, namely, limitations in numbers and geographical spread of Australian security officers and gaps in checking data".

It said there were two cases where people were accepted for migration to Australia.

"But, particularly in view of the absence of any record establishing that a check was in fact made, it cannot be assumed that a UK or US officer supplied wrong information to an Australian officer."

Barwick blamed for failure to extradite war criminals

By MIKE SECCOMBE

THE attitudes of former federal governments, and in particular a former attorney-general, Sir Garfield Barwick, were largely responsible for the failure of Australia to grant extradition of an alleged war criminal, despite a number of requests, according to the Menzies report on the entry of suspected war criminals into Australia.

"Sir Garfield Barwick, as attorney-general (and acting minister for foreign affairs, stated) the government's attitude in the House of Representatives on March 22 1961, that in this type of case 'the time had come to close the chapter'," the report says.

"Continuation of this attitude appears to explain the refusal of the Australian government before the decision of attorney-general (Lionel) Murphy in July 1974, to agree to the application of the Australian-German Draft Extradition Treaty to offences committed before 1966."

Australia's ability, however, to respond to extradition requests had improved greatly.

The 200-page report, compiled by a former senior public servant, Mr Andrew Menzies, says that since World War II six requests had been made for the extradition, or handing over of six alleged war criminals.

In five of the cases Australia had not complied, and in the sixth, after "extremely prolonged negotiations", the German government had decided against prosecution.

"In relation to three persons the Australian government's refusal stemmed from the nature and circumstances of the allegations and general suspicion of the bona fides of the charges," the report says.

Review

In the fourth case, the refusal appeared to stem from concerns about extradition to a communist State," although the stated ground was that as a naturalised citizen he was excluded from the operation of the relevant extradition treaty."

In the last case, the refusal was based on the lack of an extradition treaty with the Soviet Union, and the fact that four international agreements relating to the handing over of war criminals no longer applied.

Since Mr (later Mr Justice) Lionel Murphy's decision as attorney-general in 1974 an extradition treaty is no longer necessary for extradition.

The report recommends a review of Australia's entry, deportation and extradition arrangements.

It also points to the possible need to amend the War Crimes Act of 1945, to permit ordinary criminal courts to deal with war crime.

"If the Australian Government makes up its mind that, contrary to the Barwick statement, the chapter as to war crimes is not closed and that, within the limits and subject to the safeguards provided by Australian law, there should be co-operation with foreign States seeking extradition of war criminals in serious cases," it says.

"If there is an effective organisation dedicated to dealing with war criminals, extradition should be more effective than it has been in the past as a means of removing war criminals from Australia and ultimately bringing them to justice."

Urbancich: officers not influenced

By PAUL AUSTIN

THE Menzies report finds no evidence that the controversial member of the NSW Liberal Party, Mr Lyenko Urbancich, was allowed to migrate to Australia because a British or United States intelligence officer influenced Australian selection officers.

It says the far more likely explanation for his acceptance is that Mr Urbancich gave an incomplete account of his history to the Australian selection officer, "and either no check was made with the British or US intelligence centres for reasons not now clear or, if these checks were made, the results, because of absence of relevant recorded data, were not adverse".

There was also no evidence that Mr Urbancich was employed by either a British or US intelligence agency.

Mr Urbancich is a leading member of the right wing group of the NSW Liberal Party known as the uglies.

The Menzies report says the ABC radio series, Nazis in Australia, alleged Mr Urbancich had been a propagandist for the war-time puppet Slovenian government.

When the Yugoslav government sought his surrender as "a propagator of collaboration with Germany", the British made perfunctory inquiries about his war-time activities before refusing his surrender.

He was, nevertheless, held in custody for a final screening by the British for months after this decision.

The absence of any records on a final screening was linked to an alleged "common practice among intelligence agencies to classify the files of their informants for a 75-year period in order to protect them".

The report says the radio series also implied that Mr Urbancich's suggested connection with a British or US intelligence agency in some way accounted for his selection for migration to Australia.

Mr Menzies says his investigations produced a different picture.

He says he did not interview Mr Urbancich and so would not say whether he engaged in collaborator activities.

He adds that if the allegations are correct Mr Urbancich should have been refused selection for migration to Australia, but he would not have been guilty of war crimes, "at least of such a nature to require action now".

The report says Mr Urbancich and his wife were accepted for migration to Australia after an interview by an Australian selection officer, now dead, in 1949.

The report says that the notes made by the selection officer, if a correct and exhaustive statement of what Mr Urbancich had said to him, indicate Mr Urbancich gave an incomplete account of his activities in Yugoslavia.

ASIO had no record on Mr Urbancich before 1962.

Butcher of Lyons link rejected

By MIKE SECCOMBE

THE war crimes report has concluded there is no basis to allegations that there was an Australian connection in the flight from justice of an infamous war criminal, Klaus Barbie, the Butcher of Lyons.

The report considered Australian and US documentary evidence, some of it placed before the Senate in May this year by Senator Peter Baume, indicating there might have been attempts by US intelligence forces to have Barbie resettled in Australia.

Among those documents was a letter written in June 1952 in which an Australian immigration attache forwarded information on migration applications to a US army officer in Stuttgart.

A second document, a Department of Foreign Affairs minute written in October 1983, indicated in the context of a US army intelligence file on Barbie that the letter suggested the Australian Government was, at the request of the US, considering the resettlement of Barbie in Australia.

The war crimes report cited a US government investigation of the Barbie case, which found Barbie was employed by a US intelligence agency in Germany between 1947 and 1951.

He was hidden from the French authorities, which sought his extradition, and in January 1951, he was smuggled out of Europe by what the agency termed a "rat line". He went by ship to Buenos Aires and Bolivia, where he remained until 1983 when he was expelled to France.

The only known photo of Klaus Barbie in Nazi uniform. After the war Barbie was smuggled to Bolivia

Man under spotlight remains defiant

By DAVID LESER

MR Lyenko Urbancich was as defiant as ever.

The man who the Menzies inquiry into war crimes claimed had given incomplete information about his wartime activities and who has been variously described as a war criminal and a collaborator, told The Australian last night that he would like to know what information he had left out before arriving in Australia in 1950.

"I was interrogated half a dozen times by the British in Italy and Germany," Mr Urbancich said.

"Let Mr Menzies say what, in particular, I left out.

"He may be quite right because if you ask me my story and talk to me for two hours and afterwards say I didn't tell you everything I would say 'how could I tell you everything in two hours'."

The allegations about him had surfaced because he had become a leading conservative within the NSW Liberal Party, but there was only one thing in his past that he regretted.

"I have nothing to be ashamed of except that when I was in a fascist concentration camp in Italy in 1942 I did not share my parcels enough with the others," he said.

Mr Urbancich said anybody who committed crimes — even 40 years ago — should be brought to justice and "they should pay for that".

"But I have nothing to pay for or apologise for. I think some people should apologise to me," he said.

Of all the allegations levelled at him, he said the most far-fetched one was that he had been "number two on the war criminal list".

"Number two to whom — to Hitler, Himmler or the village idiot."

He described himself as a "seasoned man" who has been fighting communists since he was young, and said his politics would be vindicated when the NSW Young Liberals met next week to choose a new president.

"The conservative forces are getting stronger," he said.

Mr Urbancich said he has many Jewish friends, but it was important that the world not forget that apart from the six million Jews who died at the hands of the Nazis, 95 million had also died under communism since the Bolshevik revolution in the USSR.

Australian under US investigation

By PAUL AUSTIN

THE United States Government is likely to ask Australia to accept the return of a suspected Nazi war criminal if deportation proceedings confirm serious allegations against him, the Menzies report finds.

It says Mr Konrads Kalejs is the subject of deportation proceedings instituted in 1984 by the US Department of Justice and the Immigration and Naturalisation Service.

It has been alleged in these proceedings, which are continuing, that Mr Kalejs was an officer in the Arajs Commando, a Latvian unit responsible for the murder of thousands of Jews in forests surrounding Riga between July 1941 and January 1942.

Mr Menzies says he will express no view as to Mr Kalejs' guilt or innocence of these charges, but if a deportation order is made against him, the US Government will presumably ask Australia to accept his return on the ground that he is an Australian citizen.

Mr Kalejs was accepted in Germany for migration to Australia in July 1950 and was granted Australian citizenship seven years later, before migrating to the United States in 1959.

"If Mr Kalejs does return it will be the first instance of a person in Australia in respect of whom there is a judicial decision (albeit of a foreign country) in effect determining his guilt of a war crime," the report says.

When he was accepted for migration to Australia, Mr Kalejs apparently claimed to have been only a farm worker in Latvia.

Documents from the International Refugee Organisation (IRO) indicate he revealed to IRO officers that he had been a lieutenant in the Latvian Army in 1941.

There was no evidence or suggestion that he was employed by a British or US intelligence agency, the report says.

Clandestine entries possible

THE Menzies Report concludes that former agents of British or United States intelligence agencies may have entered Australia, particularly before 1956, without the knowledge of Australian authorities.

Although the section of the report dealing with such matters is confidential, Mr Menzies includes a brief outline in the published report.

The confidential section discusses arrangements with British and US intelligence agencies for reception into Australia of people at the request of either of such agencies, and the precautions taken to protect Australian interests in such cases, he says.

To the knowledge of Australian authorities, nobody admitted into Australia under these arrangements appears to have been the object of charges or allegations relating to war crimes.

"I mention the possibility that former agents of UK or US intelligence agencies may have entered Australia, particularly before 1956, without the knowledge of Australian authorities and state that one instance has come to notice of a person now in Australia and the subject of allegations of commission of war crimes having been employed by any (either UK or US) such intelligence agency, and there is suspicion of another like incident," the report says.

It says detailed examination of the facts reveal that allegations that British or US intelligence agents had influenced the selection for migration to Australia of particular people alleged to have committed war crimes by supplying false information or withholding information from Australian selection officers could not be supported.

Mr Menzies says that in preparing the confidential section of his report he has taken into account the 1985 report of the US General Accounting Office (GAO), which was directed by Congress to inquire into whether there was any post-World War II US Government program to help Nazi war criminals and collaborators migrate to the US and to conceal their backgrounds.

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