

# Daily Business REVIEW

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## Accused war criminal wears out welcome

BY DAN CHRISTENSEN

Dec. 14, 2000 - Time appears to be running out for Nazi-era war crimes suspect Bohdan Koziy.

Costa Rica, the country that's harbored the former Fort Lauderdale motel owner since he fled the United States in 1984, is today aggressively seeking to expel the 77-year-old Koziy from its soil.

In an interview this week, Costa Rica's ambassador to the U. S. said a final order of deportation against Koziy from Costa Rica's highest court is on the horizon.

"We are close to it," said Ambassador Jaime Daremblum. "I'd say a matter of weeks by the time it should be completed ... [or] a matter of months. "

"That's very good news," said Eli Rosenbaum, director of the Office of Special Investigations, the U. S. Justice Department's Nazi-hunting unit. "The U. S. government has made clear its strong desire that Koziy not be granted further sanctuary in Costa Rica. "

Federal prosecutors fingered Koziy in October 1979 as a murderous Ukrainian policeman who collaborated with the Gestapo during World War II. Until then, Koziy and his wife, Yuroslava, had simply been known around town as Don and Gloria — the quiet couple with the faraway accents who owned and managed the neat and trim Flying Cloud Motel, beachside on Orton Avenue.

Koziy is accused of helping Hitler's secret police in Nazi-occupied Lysiec, Ukraine, round up Jews for extermination. More specifically, the government alleged Koziy "personally and single-handedly" shot and killed a 4-year-old girl named Monica Singer, the daughter of a Jewish doctor, as she begged for her life. He was also accused of murdering nine other people, including seven members of a family by the name of Kandler.

In 1982, after a highly publicized, three-week hearing in West Palm Beach, Koziy was stripped of his U. S. citizenship. U. S. District Judge James C. Paine found, among other things, that Koziy had lied about his Nazi past when he immigrated to America in 1949.

Federal prosecutors quickly moved to deport Koziy, who claimed he was being framed, but had difficulty finding a country willing to take him. The Soviet Union ultimately agreed to accept him, but before the judge handed down his order, Koziy fled Florida for Costa Rica, entering the Central American nation on a tourist visa.

In 1987, at the request of the Soviets, Costa Rica's courts ordered Koziy extradited there to stand trial. But after dramatics that included Koziy holding a gun to his head in a standoff with police, the extradition threat fizzled when Costa Rica balked at enforcing the order because the Soviets wouldn't rule out the death penalty for Koziy.

Thirteen years passed before Koziy again faced legal jeopardy. In February, under persistent pressure from the World Jewish Congress and the Simon Wiesenthal Center, Costa Rican President Miguel Angel Rodriguez and his cabinet ordered Koziy out of the country.

“The president has very firm democratic convictions and a very firm commitment to fundamental human rights, and he feels that Koziy embodies a contradiction with those principles,” said Ambassador Daremblum.

Seeking to block his deportation, Koziy and his legal team appealed to a tribunal of Costa Rica’s Supreme Court. Among his arguments: The government’s order to exclude him from the country as a war criminal was illegal because he’s never been convicted of war crimes.

Koziy, who lives with his wife in a large and comfortable home in the San Jose suburb of Alajuela, again faced legal jeopardy because of his past, bolstered his arguments with character witnesses, most notably the Catholic archbishop of San Jose, Roman Arrieta. The archbishop testified that Koziy was a victim of mistaken identity.

Three weeks ago, however, the Supreme Court tribunal rejected Koziy’s appeal.

According to a translator for the Justice Department, the tribunal determined that the lack of a conviction against Koziy wasn’t relevant, because he is being expelled, not extradited. Moreover, the pending charges against him are sufficient to sustain an expulsion.

Similarly, the court dismissed as irrelevant testimonials by the archbishop and others regarding Koziy because his conduct while living in Costa Rica is not at issue.

Koziy’s telephone number isn’t listed in Costa Rica. And the names of his lawyers weren’t immediately available.

But the court’s recent ruling isn’t the end of the litigation. Further appellate avenues exist, including another specialized tribunal within the supreme court, and Koziy apparently has the money to continue the fight.

Still, with Koziy’s legal options dwindling, the question that’s getting more attention is where will Koziy be sent if he’s deported? The Soviet Union doesn’t exist anymore.

Last March, 22 members of the U. S. Congress signed a letter urging Ukraine to take back its native son and put him on trial.

Earlier this month, after the Costa Rican court ruling, the director of Israel’s Simon Wiesenthal Center made a similar announcement.

“We call upon the Ukrainian authorities to take the necessary actions to prosecute Bohdan Koziy for the crimes he committed in that country and stand ready to offer them our fullest assistance in this important matter,” said Efraim Zuroff.

(Zuroff’s colleague, Miami businessman Aryeh Rubin, said there is no death penalty in Ukraine that might become a stumbling block. )

Ukrainian officials, however, have been noncommittal.

“They’ve said publicly they have Koziy under investigation,” said OSI director Rosenbaum. “They’ve not said whether they’re willing to accept him as a deportee.”