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## Cheating Retribution

BY DAN CHRISTENSEN

*Nearly six decades after he allegedly helped the Gestapo murder thousands of Jews, Bohdan Koziy remains a man Nazi hunters can't catch. Now a stubborn Israeli and his wealthy South Florida partner make one last attempt to bring the aging Koziy to justice.*

Bohdan Koziy hightailed it out of the country 15 years ago but down at the Flying Cloud Motel they still remember him as Fort Lauderdale's most notorious hotelier.

Koziy and his wife, Yuroslava, owned the modest yet tidy beachside tourist hotel – until not long after Nazi hunters from the Department of Justice in 1979 fingered him as a murderous Ukrainian policeman who collaborated with the Gestapo during World War II.

"His name was Don. That's the name he used. His wife's name was Gloria," recalls Therese Bouthillier, who with her husband bought the Flying Cloud back in 1981. "We didn't know who they were until [after] we bought this place."

Land records indicate the Koziys made \$250,000 profit on the sale. Three years later, facing deportation to the then-Soviet Union after being stripped of his citizenship by U.S. District Judge James C. Paine in West Palm Beach, the Koziys bought one-way tickets to fugitive-friendly Costa Rica.

All attempts to dislodge Koziy since, legal and political, have failed.

"Everyone knows where he lives," says Efraim Zuroff, an Israeli who is director of Nazi tracking efforts in Israel for the Simon Wiesenthal Center, a private organization established to oppose anti-Semitism and remember the Holocaust. "He is still sitting in his comfortable home in Aljuela [a suburb of the capital city, San Jose]. He's got a big yard and the warm support of all his neighbors, and we haven't been able to get him out of there.

Not yet, at least.

This summer, Zuroff will team with a wealthy, low-key Miami-Dade business-man in what seems likely to be a final attempt to turn the world's spotlight on the now 76-year-old Koziy.

L. Aryeh Rubin, a 49-year-old philanthropist and patron of various Jewish causes, will be at the side of Zuroff, a former college chum, when they travel to Costa Rica to meet with government officials and religious leaders regarding Koziy.

“Why bother with this old man?” Rubin asks. “My response is that this old man is typical of most [war criminal] cases: very low in the Nazi hierarchy, a simple peasant who volunteered and delighted in being part of the killing machine.

“Ninety-nine percent of them got away with their crime. To allow them the peace of mind that their day of retribution is over, sends yet another legacy of inaction to future generations,” he says.

Rubin, who operates his business out of 20th floor offices at The Bay Club in Aventura, is the very private owner of a company called Maot Group Partners. It’s a firm the Brooklyn native founded after he sold his KSF Medical Publishing Co. Inc., a New York health-related publishing business for “several million dollars” to Medco-Containment Services Inc. in 1991.

Since the Medco sale, Rubin has focused on running his own investments.

“I manage portfolios and look for deals,” says Rubin, who also endows his private charitable foundation Targum Shlishi Inc., which supports causes Rubin favors like a Cambridge University research project into ancient Jewish writings. He declines to discuss further the Maot Group.

But Rubin is not at all reserved in talking about his efforts – in cooperation with the center that’s named for the most famous and relentless Nazi hunter of them all, Austria’s Simon Wiesenthal – to bag Koziy.

“This guy deserves to be nailed,” he says.

As Rubin describes it, his role is as Zuroff’s go-to guy: A mainstream businessman who uses his financial and political connections to try to make things happen and to generate publicity.

Disappointed in Costa Rica

In 1996, while tailing Koziy, Rubin and Zuroff made a similar journey to Costa Rica in hopes of having Koziy declared an undesirable alien.

“We met with the justice minister, the foreign minister, the vice president. All promised to look into it and hopefully take some measures against Koziy, but we were sadly disappointed because nothing happened,” Zuroff says.

Also in 1996, Rubin followed up on a 1994 anti-Koziy letter writing campaign led by the Wiesenthal Center. He started an e-mail campaign that he says prompted “tens of thousands” of messages urging Costa Rica’s then-president Jose Maria Figueres to give Koziy the boot. All, however, to no avail. Rubin also has traveled with Zuroff on Nazi tracking missions to Iceland and Croatia.

It was in Iceland, Rubin says, that in the early 1990’s he met with government officials on Zuroff’s behalf in the case of accused Estonian war criminal Evald Mikson. Mikson died in 1993 at the age of 82.

In Croatia, Rubin is monitoring the trial of 77-year-old Dinko Sakic, alleged commander of a Nazi death camp known as the “Auschwitz of the Balkans.”

The accusations against Koziy, a handsome, lanky man with a thick East European accent and similarly thick mane of silvery white hair when he lived in Fort Lauderdale, are outrageous enough to command the attention of any government official – even nearly 60 years after the acts were allegedly committed.

The U.S. government has alleged that while working as a policeman in Nazi-occupied Ukraine in 1943, 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 also has been accused of murdering a 13-year-old named Lucia Roziner, an unidentified boy and seven members of a family by the name of Kandler.

Likewise, Koziy is accused of helping the Gestapo round up Jews to be sent to the ghetto in nearby Stanislaw for later transfer to Nazi killing camps.

Koziy’s telephone number is not listed in Costa Rica. His ex-lawyer, Miami-Dade’s Philip Carlton Jr. says Koziy steadfastly maintained that the testimony against him was contrived by the Soviets because he had been an anti-communist partisan.

“He said the witnesses were not telling the truth and that he never did these things that they allege,” Carlton says. “He said the communists were ultimately behind this...that the evidence the government produced [in court] was manufactured evidence.”

“Koziy, who claimed to have fought against the Germans, immigrated to the United States in 1949. He even managed to hide when his former police commander, who was tried and executed in 1952 identified him as one of his men.

For years, like many Nazi-era war crime suspects, Koziy was merely a face in America’s crowd. Government officials have said he worked as a gas station attendant, then owned a motel in Clinton, N.Y., before moving to Fort Lauderdale in 1972.

“There were literally thousands of people who could have been charged criminally were it not for the absence of evidence, the passage of time and the connivance of [U.S.] public officials immediately after the war,” says Arthur N. Teitelbaum, head of the Miami office of the Anti-Defamation League of B’nai Br’ith.

Koziy’s luck in America started to run out in 1979 when the Justice Department sued to revoke his citizenship. In 1981, after a three-week civil trial, Judge Paine found that Koziy lied about his Nazi past when he applied to enter the country and to become a citizen, belonged to the Nazi-linked Organization Ukrainian Nationalists and collaborated with the Nazis while he was a policeman.

The Justice Department next sought to deport Koziy, but finding a country willing to take him wasn’t easy.

In 1982, according to the newspaper Jewish Week, the Justice Department asked what was then West Germany to consider taking Koziy. But the Germans refused, saying his alleged crimes amounted to manslaughter and were subject to a statute of limitations that expired in 1960. And Israel, which considers Koziy a small fry, similarly wasn’t interested.

“Israel’s policy has been to only seek extradition against major criminals who had high positions of responsibility in the Nazi hierarchy,” Zuroff says.

Eventually, the Soviet Union decided to take Koziy. But before the order came down, he fled to Costa Rica.

“Our goal was to remove him from the U.S. We certainly won’t allow him back in,” says Eli M. Rosenbaum, head of the Justice Department’s Office of Special Investigations.

In 1986, the Soviets asked Costa Rica to extradite Koziy for trial, and a year later, after a seesaw of legal rulings, he was ordered shipped to the Soviet Union.

When police went to his home to detain him for extradition, he held a gun to his head. Police left and didn’t take him into custody for several days.

Within weeks, however, the immediate threat to Koziy dissipated when the Soviets failed to comply with a standard Costa Rican condition of extradition – that the death penalty be forsworn in his case.

The break-up of the Soviet Union effectively ended the extradition danger altogether.

“Mr. Koziy is facing a legal limbo. The successor state to the Soviet Union, in this case the Ukraine, would have to come forward and show it’s ready to provide the [no death penalty] guarantees,” says Jaime Daremblum Rosenstein, Costa Rica’s U.S. ambassador.

The Ukraine hasn’t requested his extradition.

“The Ukraine has so far shown no interest in bringing Koziy to trial. I assume that like other countries in Eastern Europe, such efforts are extremely unpopular there,” Zuroff says. “To the best of my knowledge, they have never investigated, let alone prosecuted, a single Ukrainian Nazi collaborator since the country became independent.”

No one in the Ukrainian embassy in Washington, D.C., was available for comment, an embassy spokeswoman said.

Meanwhile, Koziy remains free in a place that, like Florida, has a sizable Jewish community.

“As a member of the Jewish community in Costa Rica and as somebody who has lost many relatives in the Holocaust, I abhor anything that’s got to do with genocide or his type of crimes,” ambassador Daremblum says. “It is my understanding in the U.S. courts, it was established that Mr. Koziy had committed those crimes and that’s something that’s not compatible with Costa Rican traditions.”

“Still,” says Daremblum, “I haven’t posed any judgments on Mr. Koziy.”

That attitude is typical among Costa Rican Jews, say Rubin and Zuroff. It’s a major reason that Koziy is still there, they say.

“The problem is there are few individuals in the Jewish community there willing to do battle on this. Most are too fat and happy to raise a ruckus,” Rubin says. “When we were there, they yessed us to death, but did nothing.”

So what now?

“Our goal is to get him kicked out of Costa Rica. Then we’ll find a place to try him,” Zuroff says.

“It’s now or never,” says Teitelbaum.