

Worldwide Investigation and Prosecution of Nazi War Criminals

(April 1, 2002 – March 31, 2003)

An Annual Status Report

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Executive Summary

1. During the period in question the investigation and prosecution of Nazi war criminals continued in at least a dozen countries, among them countries in which the crimes of the Holocaust were committed and others which afforded a postwar haven to Holocaust perpetrators.
2. From April 1, 2002 until March 31, 2003, six convictions of Nazi war criminals were obtained – five in the United States and one in Germany. An additional conviction was obtained by the US Office of Special Investigations in April 2003.
3. During the same period legal proceeding were initiated against eleven additional Nazi war criminals - ten in the United States and one in Germany. In addition, new investigations were opened during the period under review against at least one hundred and thirty-eight suspected Holocaust perpetrators and at the moment there are ongoing investigations against close to five hundred suspected Nazi war criminals all over the world.
4. The country which has done the least to bring Nazi war criminals to justice in comparison to the potential number of suspects / perpetrators is Austria which has failed to convict a Holocaust perpetrator in more than two decades and refuses to establish a special prosecution agency despite the existence of numerous suspects in the country.

Investigation and Prosecution Report Card

As part of this year's annual status report, we have given grades ranging from A (highest) to F which reflect the Wiesenthal Center's evaluation of the efforts and results achieved by various countries during the period under review. (Countries which failed to respond to the questionnaire and in which there is no indication of any activity to investigate and/or prosecute Nazi war criminals were included in category X.) The grades granted are categorized as follows:

Category A: Highly Successful Investigation and Prosecution Program

Those countries which have adopted a proactive stance on the issue, have taken all reasonable measures to identify the potential suspected Nazi war criminals in the country in order to maximize investigation and prosecution and have achieved notable results during the period under review.

Category B: Ongoing Investigation and Prosecution Program Which Has Achieved Practical Success

Those countries which have taken the necessary measures to enable the proper investigation and prosecution of Nazi war criminals and have registered at least one conviction and/or filed one indictment during the period under review.

Category C: Minimal Success Which Could Have Been Greater; Additional Steps Urgently Required

Those countries which have failed to obtain any convictions or file any indictments during the period under review but have either advanced ongoing cases currently in litigation or have opened new investigations which have serious potential for prosecution.

Category D: Insufficient and/or Unsuccessful Efforts

Those countries which have ostensibly made at least a minimal effort to investigate Nazi war criminals but which failed to achieve any practical results during the period under review. In many cases these countries have stopped or reduced their efforts to deal with this issue long before they should have and could achieve important results if they were to change their policy.

Category F: Total Failure

Those countries which refuse in principle to investigate, let alone prosecute, suspected Nazi war criminals despite clear-cut evidence that such individuals were living within their borders.

- A: United States
- B: Germany
- C: Canada, Costa Rica, Holland, Italy, Latvia, Lithuania, Poland
- D: Argentina, Australia, Austria, Croatia, Denmark, Estonia, Finland, France, Great Britain, Hungary, Romania, Slovakia, Spain
- F: Colombia, Norway, Sweden, Syria
- X: Belarus, Belgium, Bolivia, Bosnia-Herzegovina, Brazil, Chile, Czech Republic, Greece, Russia, Ukraine, Uruguay, Venezuela, Yugoslavia

Introduction

Although we are about to mark the fifty-eighth anniversary of the end of World War II, the efforts to prosecute Nazi war criminals continue and have even considerably increased in recent years. Despite numerous legal and technical problems which stem from, among other factors, the considerable amount of time which has elapsed since the crimes of the Shoah were committed, the attempts to investigate and bring to justice Holocaust perpetrators are still underway in quite a few countries and have yielded highly significant results.

The Simon Wiesenthal Center views the facilitation of the investigation and prosecution of Nazi war criminals as an important part of its international agenda. Over the past two decades, the Center had carried out extensive research in numerous countries to identify Holocaust perpetrators, document their crimes, trace their postwar escape, and ascertain their current whereabouts in order to assist in bringing them to justice. It has also energetically lobbied various governments which have been reluctant to prosecute Holocaust perpetrators, and has sought to convince them of the importance of bringing such criminals to trial.

The Center's experience has been that the existence of political will to bring Nazi war criminals to justice is an absolute prerequisite for the successful prosecution of Holocaust perpetrators. In that respect, the results achieved in this field are often just as much a function of the existent political climate, as of the strength of the evidence available against the suspects in question.

Starting in 2001, the Simon Wiesenthal Center has published an annual report on the current status of the investigation and prosecution of Nazi war criminals worldwide as a public service designed to focus attention on the issue and encourage all the governments involved to maximize their efforts to bring as many unprosecuted Holocaust perpetrators as possible to justice. The date chosen for the publication of the report is Yom Ha-Shoah (Holocaust Remembrance Day) as designated by the State of Israel, which this year was

observed on April 29, 2003. In that respect, the Center has always believed that the prosecution of the murderers of the Holocaust is one of the most fitting means of commemorating those annihilated by the Nazis. Famed Nazi-hunter Simon Wiesenthal has often noted the sense of personal obligation which he feels toward the victims of the Holocaust to do his utmost to maximize the number of murderers who will be forced to pay for their crimes. Needless to say, such trials also play an important role in strengthening the rule of law and ensuring a better future for all humanity.

In closing, allow me to point out, that although this report concentrates on facts and figures related to the investigation and prosecution of Nazi war criminals, we must never lose sight of the terrible crimes committed by each and every individual identified as a Holocaust perpetrator.

The evidence regarding their crimes will remain as an everlasting testament to the horrors of Nazi anti-Semitism and the depths of man's inhumanity to his fellow man, and as a constant reminder to all of us of the necessity of bringing such criminals to justice.

The Center welcomes any pertinent information, comments and/or suggestions relating to the contents of the report, which can be mailed or faxed (972-2-563-1276) to our Jerusalem office or sent by email to swcjerus@netvision.net.il

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The Period Under Review: April 1, 2002 – March 31, 2003

Two contradictory trends marked the period under review. On the positive side of the ledger, there was a marked increase of close to one hundred percent in the number of indictments filed against Nazi war criminals all over the world. On the negative side, there was a significant reduction in the number of convictions obtained against Holocaust perpetrators during the twelve months from April 1, 2002 until March 31, 2003, in comparison to the preceding fifteen months, which were the subject of our previous report (January 1, 2001 – March 31, 2002).

The sharp rise in the number of indictments is primarily due to the outstanding results achieved during the past year by the Office of Special Investigations (OSI) of the US Department of Justice. During the period under review, OSI filed ten indictments (eight for denaturalization and two for deportation) and in the year 2002 it commenced a total of ten new prosecutions, which is the highest figure ever achieved by that agency throughout the twenty-three years of its existence. If we add an indictment filed in Germany, we reach the figure of eleven new cases filed during the year under review, as compared to six during the preceding fifteen months.

In contrast to this highly positive result, the number of convictions obtained during the period under review dropped from fourteen (for a fifteen month period) to six (for a twelve month period), a figure which primarily reflects the growing difficulties in obtaining criminal convictions of Holocaust perpetrators.

An analysis of the results achieved during the periods covered by this and the previous report clearly shows that the decrease in the number of convictions obtained is primarily the case in those countries in which the crimes of the Holocaust were committed and in which the suspected perpetrators were tried on criminal charges. Thus whereas five such convictions were obtained – two in Germany and one each in Poland, Lithuania, and France (in absentia) – during the period from January 1, 2001 until March 31, 2002, only one such conviction was obtained – in Germany – during the subsequent twelve months.

On the other hand, the efforts to prosecute Nazi war criminals on civil charges, which is the case in several countries of refuge, continued with a fair degree of success, especially in the

United States. Whereas during the fifteen months prior to April 1, 2002, nine such convictions were obtained – six in the United States and three in Canada- during the shorter period presently under review five convictions (3 denaturalizations and 2 deportations) were obtained, all in the United States.

The outstanding results achieved in the United States are a continuation of the developments over the past two decades in which the number of trials conducted in countries of refuge (primarily the United States and Canada) have by far surpassed those held in the countries in which Nazi crimes were committed. These results have stemmed primarily from four major factors: the existence of resolute political will to prosecute these cases in the United States, and to a lesser degree in Canada; the large number of Nazi collaborators who emigrated to those countries after World War II; the relatively recent (late 1970's) discovery in these countries of the existence and extensive scope of the problem and the fact that both the United States, and ultimately Canada, have chosen to prosecute Nazi war criminals not for war crimes or genocide, but for immigration and naturalization violations which are relatively easier to prove.

At the same time, the increased interest and awareness regarding the Holocaust, the dismemberment of the Soviet Union, and the fall of the Communist regimes in Eastern Europe have helped create numerous new opportunities for the prosecution of Holocaust perpetrators in the countries in which the crimes of the Shoah were committed. (These developments have also facilitated prosecution in the countries which granted a haven to these criminals.) Unfortunately, relatively few countries have made an effort to exploit the full and unfettered access – available for the first time – to Eastern European archives and witnesses and the renewed interest in the crimes of the Shoah to launch a serious effort to maximize the prosecution of Holocaust perpetrators. In fact, even those countries which have initiated programs to bring Nazi war criminals to justice have rarely been able to achieve significant successes.

During the period under review, not a single conviction was obtained in Eastern Europe, despite the fact that countries such as Poland and Lithuania are currently working on at least several dozen such investigations. And while the results achieved no doubt reflect the objective difficulties involved in the prosecution of crimes committed several decades

previously, there is no doubt that the lack of political will to pursue such cases remains a major obstacle to greater success, particularly in the Baltics and in countries like Romania, Ukraine, Russia, and Belarus. In that respect, the fall of Communism and the dismemberment of the Soviet Union have not resulted in abundant political will to locate and bring to trial unprosecuted local Nazi collaborators. The only possible exception to this generalization has been Poland, where the local authorities appear to be making a serious effort to prosecute Nazi criminals, but have to date achieved very limited practical success.

Elsewhere in Europe, Germany remains the only country in which the crimes of the Holocaust were committed, which is still actively pursuing Nazi war criminals. The conviction of former SS-officer Fredrich Engel in Hamburg this past year was in fact the only criminal conviction obtained anywhere in the world during the period under review and Germany also filed the only indictment on criminal charges for such crimes. The existence of a special prosecution agency for Nazi war crimes (in Ludwigsburg) is undoubtedly a major reason for whatever modest success Germany has registered during the past three years (three convictions on criminal charges).

The negative effects of the lack of such a specialized prosecution agency are particularly evident in Austria, which once again has failed to secure a conviction or file an indictment against a single Nazi war criminal. Despite a large number of potential suspects, Austria has not indicted anyone for crimes committed against Jews during the Holocaust for decades and there appears to be little will in Vienna to renew the efforts to prosecute such criminals. The lone case brought to trial in recent years (that of euthanasia doctor Heinrich Gross), was suspended for medical reasons, although there is reason to believe that Gross feigned illness to avoid prosecution.

In Norway, local authorities point to an existent statute of limitations as an impassable obstacle to prosecution and the same is true in Sweden, several of whose citizens served in the SS, and where dozens of Nazi perpetrators from the Baltics found refuge after World War II.

In other countries of refuge, apart from the United States, the results achieved during the period under review were particularly disappointing. Although Canada (in 1987), Australia

(in 1989) and Great Britain (in 1991), all passed special laws to enable prosecution, no convictions were obtained or indictments filed. Even Canada, which in 1994 switched to the "American model" of denaturalization and deportation and has achieved a moderate measure of success during the past decade, failed to obtain a single conviction or file a single indictment during the period under review. This result is especially discouraging when compared to the success achieved by the United States under relatively similar conditions. As far as Australia and Great Britain are concerned, it does not appear likely that they will be able to achieve any successes while they continue to insist on prosecuting these suspects on criminal charges. This is particularly true in Australia, where all witnesses in such cases must appear in person, a factor which would make a successful prosecution next to impossible, given the country's geographic distance from the scene of the crimes committed.

* * *

Besides the figures on convictions and indictments it is important to assess the number of new investigations filed and ongoing cases which are indicators of the practical results that can possibly be achieved in the coming years. In that regard, the most surprising figure is from Italy which has opened more than fifty new investigations during the period under review. Also encouraging is the number of new cases opened in Lithuania (24), the United States (16) and Poland (8).

With four hundred and ninety-two investigations currently underway, there is cause for cautious optimism that additional Holocaust perpetrators will indeed be brought to justice during the coming years. This will no doubt be the case in the United States, but it is important that such trials also be conducted in those countries in which the crimes of the Holocaust were committed, and especially in post-Soviet countries in which there was extensive collaboration by the local population in the mass murder of Jews and which have not effectively prosecuted any local Nazi war criminals since they regained their independence. The importance of such trials cannot be overestimated, not only in achieving justice but also in educating these societies about the crimes of the Holocaust and the complicity of local residents in the atrocities.

In order to help facilitate the prosecution of Nazi war criminals in the Baltics, where this problem is particularly acute, the Wiesenthal Center and the Targum Shlishi Foundation of Miami, Florida in July 2002 launched “Operation: Last Chance” which offers financial rewards of up to \$10,000 for information which will lead to the conviction and punishment of Nazi war criminals in Lithuania, Latvia, and Estonia. The project, which encountered considerable opposition and skepticism in the Baltics has already led to the opening of two official murder investigations (against at least twenty suspects) in Lithuania and the submission of previously unknown information concerning additional suspects. To date, the Wiesenthal Center has received the names of one hundred seventy four suspects in Lithuania, thirty-seven in Latvia and six in Estonia. While each of these governments was approached to supplement the prize money being offered, none has hereto agreed to do so.

Mention should also be made of various administrative and legal steps besides prosecution, which have been taken by several countries against suspected Holocaust perpetrators. Thus, for example, Italy asked Canada for the extradition of Bolzano camp guard Michael Seifert who was thereupon arrested by the Canadian authorities. Costa Rica permanently expelled Harry Mannil, an Estonian residing in Venezuela who served in the Estonian Political Police and is accused of participating in the arrest of civilians (Jews and Communists) who were subsequently executed. Lithuania canceled thirty-one rehabilitations granted illegally to individuals convicted by the Soviet courts (among them an unknown number of Nazi war criminals), and Germany cancelled at least eleven special disability pensions granted to individuals who “violated the norms of humanity.” In addition, the American Office of Special Investigations added eight names to the US watch-lists of suspected Axis persecutors and denied two such individuals entry into the United States, and Austria cancelled a government decoration awarded to euthanasia doctor Heinrich Gross (whose prosecution was suspended for medical reasons).

In all, despite numerous obstacles and difficulties, significant progress was made during the period under review. If we combine the figures presented in our last two reports and add another conviction obtained in the US in April 2003 we can point to twenty-one convictions and sixteen indictments in the past twenty-eight months, concrete proof that much can still be achieved in the efforts to bring the perpetrators of the Holocaust to the bar of justice.

Convictions of Nazi War Criminals Obtained During the Period Under Review

April 1, 2002 – March 31, 2003

1. United States of America – 5
2. Germany – 1

Details of Convictions Obtained During the Period Under Review

1. United States of America

- a. June 27, 2002 – Fedir Kwoczak – denaturalization
SS armed guard at Trawniki and Poniatowa labor camps; participated in liquidation of ghettos in Warsaw and Bialystok, Poland
 - b. July 3, 2002 – Michael Negele – deportation
SS Death Head's battalion guard and dog handler at Sachsenhausen concentration camp and Theresienstadt Ghetto
 - c. August 7, 2002 – Michael Gorshkow – denaturalization
as a member of the Gestapo participated in mass murder of civilians in Belarus during the years 1942-1943
 - d. September 3, 2002 – Jakob Reimer – denaturalization
as an SS officer participated in acts of persecution in Trawniki, Warsaw and Czestochowa, Poland
 - e. October 24, 2002 – Mykola Wasyluk – deportation
armed SS guard at Trawniki and Budzyn, Poland slave labor camps
- #### **2. Germany**
- a. July 5, 2002 – Dr. Freidrich Engel – murder
as SD-chief in Genoa, Italy, responsible for shooting of 59 persons

Convictions of Nazi War Criminals: Comparative Statistics 2001-2003

	January 1, 2001 – March 31, 2002	April 1, 2002 – March 31, 2003
United States	6	5
Canada	3	0
Germany	2	1
Poland	1	0
France	1	0
Lithuania	1	0
Total	14	6

New Cases Filed During the Period Under Review

United States – 10

Germany – 1

1. United States of America

- a. May 9, 2002 – Jakiw Palij – denaturalization
as member of SS Streibel Battalion participated in persecution of Polish civilians;
armed guard at Trawniki labor camp
- b. May 22, 2002 – Michael Gorshkow – denaturalization
as Gestapo man participated in the mass murder of Jews in Belarus during the years
1942-1943
- c. June 5, 2002 – Vladas Zajanckauskas – denaturalization
as member of SS participated in destruction of Warsaw Ghetto and deportation and
murder of its inhabitants
- d. July 17, 2002 – Adam Fridrich – denaturalization
as armed Death's Head guard participated in persecution of Jews and other civilians at
Gross –Rosen and Flossenburg concentration camps
- e. September 4, 2002 – Andrew Kuras – denaturalization
as member of SS Streibel Battalion participated in persecution of Polish civilians;
armed guard at Trawniki, Poniatowa and Dorohucza labor camps
- f. September 5, 2002 – Ildefonsas Bucmys – denaturalization
as armed guard at Majdanek death camp participated in the persecution of Jews and
other civilians
- g. September 23, 2002 – Theodor Szehinskyj – deportation
as an armed SS Death's Head guard at Gross-Rosen, Sachsenhausen, and Warsaw
concentration camps participated in the persecution of Jews and other civilians

- h. October 10, 2002 – Jakob Miling – denaturalization
as armed guard at Gross-Rosen and Sachsenhausen concentration camps participated in the persecution of civilians
- i. December 19, 2002 – Vytautas Gecas – deportation
as member of 2nd / 12th Lithuanian Auxiliary Police Battalion participated in the mass murder of Jews in Belarus in the fall of 1941
- j. December 26, 2002 – Jaroslaw Biluniuk – denaturalization
as member of SS Stribel Battalion participated in the persecution of Polish civilians;
armed guard at Trawniki labor camp

2. Germany

- a. Fall 2002 – Herbertus Bikker – murder
as SS man murdered a civilian in Holland

New Cases Filed: Comparative Statistics 2001 – 2003

	January 1, 2001 – March 31, 2002	April 1, 2002 – March 31, 2003
United States	4	10
Germany	1	1
Canada	1	0
Total	6	11

New Investigations of Nazi War Criminals Initiated During the Period Under Review

Italy	56
Lithuania	24
Estonia ¹	17
United States ²	16
Australia	9
Poland	8
Latvia	4
Austria	3
Great Britain	1
Germany ³	?
Canada ⁴	?
Total	138

1. According to the response of the Estonian Security Police Board to this year's SWC questionnaire, no new investigations were initiated against suspected Holocaust perpetrators during the period under review. Yet the very same Estonian Security Police Board announced on July 23, 2002 that they had examined the cases of sixteen members of the 36th Estonian Security Police Battalion whose names had been submitted by the Wiesenthal Center as potential suspects in the murder of Jews in Nowogrudok, Belarus by that unit on August 6, 1942 and that no evidence had been found to link them to those crimes. The same agency also reportedly initiated an investigation against Michael Gorshkow, an Estonian citizen, who left the United States after the OSI commenced legal proceedings to strip him of his American citizenship for concealing his service with the Gestapo in Belarus during World War II.
2. The figure for the United States includes preliminary inquiries (13) as well as formal investigations.
3. The German authorities claimed that there were unable to provide statistics on the number of new investigations initiated during the period under review.
4. The Canadian authorities claimed that they were unable to provide statistics on the number of new investigations initiated during the period under review.

New Investigations of Nazi War Criminals: Comparative Statistics 2001 – 2003

	January 1, 2001 – March 31, 2002	April 1, 2002 – March 31, 2003
Lithuania	100	24
Poland	48	8
United States	46	16
Austria	10	3
Germany ¹	9	?
Great Britain	6	1
Estonia	2	17
Italy	0	56
Australia	0	9
Latvia	0	4
Canada	0	?
Total	221	138

1. based on incomplete information in the possession of the Wiesenthal Center.

Ongoing Investigations of Nazi War Criminals As of March 31, 2003

United States ¹	275
Lithuania	108
Canada	67
Poland	13
Germany ²	13
Latvia	5
Austria	4
Great Britain	2
Estonia ³	2
Croatia	2
Denmark	1
Total	492

1. The figure for the United States includes preliminary inquiries (168) as well as formal investigations(107).
2. The figure for Germany is the number of cases known to the SWC to be under investigation, since the German authorities failed to provide comprehensive statistics, claiming that the latest figures in their possession are only up to 2000. Responsibility for the judiciary in German is in the hands of the individual Laender (districts), a factor which makes it difficult to obtain reliable statistics on the scope of ongoing investigations and new cases opened during the period under review.
3. The Estonian Security Police Board did not list any ongoing investigations although in theory it is conducting investigations against Harry Mannil (currently in Venezuela) and Michael Gorshkow (currently in Estonia).

Ongoing Investigations of Nazi War Criminals: Comparative Statistics 2001 – 2003

	January 1, 2001 – March 31, 2002	April 1, 2002 – March 31, 2003
United States ¹	175	275
Lithuania	110	108
Canada	78	67
Poland	48	13
Germany	27	13
Great Britain	6	2
Croatia	3	2
Austria	3	4
Latvia ²	2	5
Holland	1	0
Estonia	1	2
Costa Rica	1	0
Denmark	0	1
Total	455	492

1. The figure for January 1, 2001 – March 31, 2002 includes only formal investigations, while the figure for April 1, 2002 – March 31, 2003 includes formal investigations (107) and preliminary inquiries (168).
2. Both cases for January 1, 2001 – March 31, 2002 are of persons already deceased. Two of the five cases for April 1, 2002 – March 31, 2003 are of persons deceased.

Investigation and Prosecution Report Card

As part of this year's annual status report, we have given grades ranging from A (highest) to F which reflect the Wiesenthal Center's evaluation of the efforts and results achieved by various countries during the period under review. (Countries which failed to respond to the questionnaire and in which there is no indication of any activity to investigate and/or prosecute Nazi war criminals were included in Category X.) The grades granted are categorized as follows:

Category A: Highly Successful Investigation and Prosecution Program

Those countries which have adopted a proactive stance on the issue, have taken all reasonable measures to identify the potential suspected Nazi war criminals in the country in order to maximize investigation and prosecution and have achieved notable results during the period under review.

Category B: Ongoing Investigation and Prosecution Program Which Has Achieved Practical Success

Those countries which have taken the necessary measures to enable the proper investigation and prosecution of Nazi war criminals and have registered at least one conviction and/or filed one indictment during the period under review.

Category C: Minimal Success, Which Could Have Been Greater; Additional Steps Urgently Required

Those countries which have failed to obtain any convictions or file any indictments during the period under review, but have either advanced ongoing cases currently in litigation or have opened new investigations, which have serious potential for prosecution.

Category D: Insufficient and/or Unsuccessful Efforts

Those countries which have ostensibly made at least a minimal effort to investigate Nazi war criminals but which failed to achieve any practical results during the period under review. In many cases these countries have stopped or reduced their efforts to deal with this issue long before they should have and could achieve important results if they were to change their policy.

Category F: Total Failure

Those countries which refuse in principle to investigate, let alone prosecute, suspected Nazi war criminals despite clearcut evidence that such individuals were living within their borders.

Category A - Highly Successful Proactive Prosecution Program

1. United States – Over the course of the past two decades, the OSI, currently headed by Eli M. Rosenbaum, Esq., has conducted the most successful program of its kind in the world. During the period under review, OSI continued to achieve outstanding results obtaining five convictions and filing ten new cases. (During the year 2002 the Americans commenced the prosecution of ten Holocaust perpetrators, the highest total recorded in a single year since OSI's establishment in 1979.) At the moment, OSI has twenty cases in litigation and is examining two hundred and seventy-five cases. In addition, sixteen new investigations were initiated, eight names were added to the "watch-list" of those barred from entering the United States (among them more than 60,000 Nazi war criminals and collaborators) and two such individuals were denied entry during the period under review. To date, US courts have denaturalized seventy-one Nazi war criminals and collaborators and fifty-seven have been permanently removed from the United States (including three extradited to stand trial abroad, one of whom was executed for his crimes.)

Category B - Ongoing Prosecution Program Which Has Achieved Practical Success

1. Germany – Since its establishment in 1958, the Central Office for the Clarification of National-Socialist Crimes (Zentrale Stelle), currently headed by Kurt Schrimm, Esq., has assisted in the preparation of the cases of tens of thousands of suspected Nazi war criminals, approximately seven thousand of whom have been convicted. During the period under review, one conviction for murder was obtained (the only one on criminal charges anywhere in the world) and one indictment was filed. While prosecution in Germany today is limited to cases of intentional murder and assistance to murder, there

is sufficient political will to prosecute at least some of these cases, which was certainly not true in the decades following the end of World War II.

The current decentralization of the German judiciary makes it extremely difficult to obtain up to date data on the investigation and prosecution of suspected Nazi war criminals in Germany. The fact that no federal agency has all the current information on this subject is incomprehensible and should be rectified.

Category C - Minimal Success Which Could Have been Greater; Additional Steps Urgently Required

1. Canada – The Canadian government initially passed a special law to enable the criminal prosecution of Nazi war criminals in Canada, but after the government lost or was forced to drop its initial four cases, it decided to change its policy and seek the denaturalization and/or deportation of Holocaust perpetrators. Since that change was made, the Canadian Crimes Against Humanity and War Crimes Section, currently headed by Terry Beitner, have initiated seventeen cases.

During the period under review, the Canadian authorities arrested Michael Seifert, whose extradition is being sought by Italy. He was subsequently released on bail, pending a decision by the Minister of Justice on the validity of the Italian extradition request. At present, seven cases of suspected Holocaust perpetrators are in litigation, but no convictions were obtained or indictments filed during the period under review. Thus while Canada obtained several convictions following its decision to switch to civil remedies, the results achieved so far, and especially during the past year, pale in comparison to those registered by the American Office of Special Investigations. Given the fact that the Nazi war criminals who emigrated to both countries very much fit the same geographic and biographical profile, the gap between the results achieved in Canada and the United States should be cause for concern and analysis in Ottawa.

2. Costa Rica – During the period under review, Harry Mannil, an Estonian Nazi war criminal who has lived for many years in Venezuela and recently sought to move to

Costa Rica, was expelled from the country by order of Minister of Security Rogelio Ramos.

Costa Rica, which also ordered the expulsion of Ukrainian Nazi war criminal Bogdan Koziy, has still not been able to implement this decree for lack of a country willing to admit Koziy.

3. Holland – During the period under review, the Dutch Supreme Court rejected an appeal by Dutch Nazi war criminal Dirk Hoogendam to cancel his conviction for assisting the enemy during wartime, joining the enemy military force and mistreating captured resistance fighters during the years 1942 to 1945. His original death sentence by a court in Assen in 1950 had already been changed to life imprisonment, but since he resides in Germany, Hoogendam never was forced to serve his sentence.

A Dutch request for Hoogendam's extradition was rejected by Germany, which refuses in principle to extradite its citizens (Hoogendam has German citizenship). Holland therefore recently asked that the sentence of the Dutch court pending against Hoogendam be implemented in Germany.

4. Italy – An extremely high number of new cases were opened during the period under review, among them investigations by the Torino Military Court into the “Fondo Toce” and “Novara” slaughters.

On the negative side, Italy does not have a special agency for the investigation and prosecution of Nazi war criminals and so far has been reluctant to prosecute Italian Nazi collaborators.

5. Latvia – During the period under review Latvia initiated four investigations concerning at least five individual suspects, but no convictions were obtained, nor were any indictments filed. Since it regained its independence, Latvia has failed to take successful legal action against a single Latvian Holocaust perpetrator which, given the large number of Latvian Nazi war criminals and collaborators still alive all over the world, is primarily a reflection of a lack of political will in Riga to pursue these cases. In recent

years, starting with the submission on December 2, 2000 of a request to Australia for the extradition of ARAJS Kommando officer Konrad Kalejs, there has been a slight improvement in this regard.

6. Lithuania – Following the establishment several years ago of a Special Investigations Division at the Prosecutor-General's Office, headed by Rimvydas Valentukevicius, some progress has been made on the cases of several Holocaust perpetrators. During the period under review, six new investigations concerning at least twenty-five suspects were initiated, and thirty-one rehabilitations granted illegally to persons convicted by the Soviet courts (among them an unknown number of Nazi war criminals and collaborators) were rescinded by the Lithuanian Supreme Court.

On the negative side of the ledger, no convictions were obtained during the period under review, nor were any indictments filed. To this day, twelve years after Lithuania regained its independence, not a single Lithuanian Nazi war criminal has ever sat one day in jail, nor has there been a single trial in which the defendant was present in court for more than a total of ten minutes. Whatever modest results have hereto been achieved have only come after heavy pressure from abroad, and it remains to be seen whether any judicial successes will be registered in the future.

7. Poland – In the wake of the establishment in 2000 of the Institute of National Memory (Institut Pamięci Narodowej), headed by Prof. Dr. Leon Kieres, the Polish authorities have made a renewed effort to bring Nazi war criminals to justice. The major results achieved during the period under review are the opening of eight new investigations, and the confirmation by the Polish Supreme Court of the conviction of Henryk Mania for crimes committed in the Chelmno death camp.

On the negative side of the ledger, no convictions were obtained during the period under review, nor were any indictments filed. In addition, Poland has hereto declined to seek the extradition of Nazi war criminals who have been denaturalized and/or ordered deported from the United States for concealing their wartime activities in Poland.

Category D - Insufficient and/or Unsuccessful Efforts

1. Argentina – No progress whatsoever was made during the period under review. The continued refusal of the Argentinean authorities to establish a special unit to investigate the entry of Nazi war criminals into the country and the government's failure to keep its promise to grant access to the archival material related to this subject have doomed the attempts to achieve a reasonable measure of justice.
2. Australia – During the period under review, Australian Attorney-General Daryl Williams confirmed the presence in Australia of nine suspected Lithuanian Nazi war criminals whose names were submitted to the government by the Simon Wiesenthal Center. The Australian government is not prepared, however, to conduct investigations into their wartime pasts (although they can, in theory, be prosecuted on criminal charges in Australia), calling instead upon the Lithuanian government to conduct such an inquiry, which the Lithuanians have hereto refused to carry out.

Despite amending existing extradition laws to facilitate extradition of suspected Nazi war criminals to Latvia and Lithuania, Australia remains the only Western country of refuge which admitted at least hundreds of Nazi war criminals and collaborators, which has hereto failed to take successful legal action against a single one.

In recent years, numerous attempts have been made by the Australia-Israel Jewish Affairs Committee and the Simon Wiesenthal Center to convince the Australian authorities to adopt civil remedies (denaturalization and/or deportation) to deal with the Holocaust perpetrators living in the country, but the government has hereto refused to do so.

This policy is in contrast to the 1997 decision by the Australian government to denaturalize and deport criminals who entered the country under false pretenses from the date of the change in the law. The refusal to make this policy retroactive has spared those who entered Australia prior to 1997 from such prosecution, among them practically all of the Nazi war criminals and collaborators in the country.

3. Austria – Given the extensive participation of numerous Austrians in the implementation of the Final Solution and other Nazi crimes, among them numerous individuals who occupied positions of considerable authority, Austria should have been a leader in the prosecution of Holocaust perpetrators over the course of the past five decades, as has been the case in Germany. Unfortunately, relatively little has been achieved by the Austrian authorities in this regard. During the period under review, no convictions were obtained, nor were any indictments filed, and the lone new investigation initiated did not yield any tangible indication that the suspects in question were alive or had committed criminal acts.

Recent research by the Simon Wiesenthal Center has uncovered the names of numerous Austrian who served in police battalions, which actively participated in the mass murder of civilians, primarily in Eastern Europe, whose cases have never been investigated by the Austrian authorities. In that respect, the lack of an Austrian special agency to investigate and prosecute Nazi war crimes cases is one of the most important reasons for the fact that Austria has not successfully prosecuted a single Holocaust perpetrator in more than two decades.

4. Croatia – During the period under review no appreciable progress was made. No convictions were obtained, nor were any indictments filed. Two investigations against Croatian citizens living abroad are currently being conducted by the Office of the State Attorney in Zagreb County.
5. Denmark –During the period under review, Danish Justice Minister Lene Espersen decided to drop the cases of 30 individuals who were originally sought by the Danish authorities for their involvement in the murder of civilians during the Nazi occupation of Denmark. It is believed that at least eleven of the suspects are still alive.
6. Estonia – During the period under review, the Simon Wiesenthal Center submitted the names of sixteen members of the 36th Estonian Police Battalion who were decorated in December 1942 for their service with the Nazis to the Estonian Security Police Board as possible suspects in the murder of the Jews of Nowogrudok, Belarus on August 6, 1942,

which was carried out by members of this unit (among others). The Security Police Board announced approximately two weeks later that there was no evidence to link the unit to the murder of the Jews of Nowogrudok, despite the fact that its participation in this crime was established by the Estonian International Commission for the Investigation of Crimes Against Humanity and confirmed by survivor witnesses. The fact that the Estonian Security Police Board did not even bother to mention their investigation of this case in responding to the Wiesenthal Center's questionnaire is perhaps the best indication of the total lack of political will in Tallinn to prosecute Holocaust perpetrators.

During the period under review no convictions were obtained nor were any indictments filed. Estonian-born Michael Gorshkow, who was stripped of his American citizenship by the OSI for concealing his wartime participation in the murder of Jews in Belarus, returned to live in Estonia in the spring of 2002 and was given an Estonian passport. He was not jailed upon arrival, nor is there any indication based on the responses by the Estonian authorities to the SWC questionnaire, that an official investigation was initiated against him.

7. Finland – During the period under review, no convictions were obtained, no indictments were filed or investigations conducted.

Research carried out in recent years indicates that at least several dozen Jewish Soviet prisoners of war were handed over to the Nazis by the Finnish authorities, and that the SS-Viking Division, which had numerous Finnish volunteers, participated in the persecution and murder of Jews and other civilians in Eastern Europe.

8. France – On September 18, 2002, convicted Nazi collaborator Maurice Papon was released from prison on medical grounds, prior to completing his ten-year sentence for his role in the deportation of approximately 1,690 Jews from Bordeaux to Nazi death camps.

No other steps were taken during the period under review.

9. Great Britain – During the period under review, one new investigation was launched by the British authorities, and two previously initiated investigations were continued, but no convictions were obtained nor were any new cases filed. For the past few years, the Wiesenthal Center has urged the British authorities to prosecute Holocaust perpetrators for immigration and denaturalization violations as has been done with great success by the United States, but until now no such change has been made. Home Secretary Blunkett informed the Center last year that a proposal to that effect would be presented to Parliament but this hoped-for change has not been instituted.

10. Hungary – During the period under review no convictions were obtained, nor were any indictments filed or investigations initiated.

11. Romania – During the period under review no convictions were obtained nor were any indictments filed or investigations initiated.

On May 21, 2002 Romania admitted Nikolaus Schiffer, who served at four Nazi camps during World War II, among them the Majdanek death camp, following his deportation from the United States for concealing his collaboration with the Nazis during World War II. No investigation was initiated by the Romanian authorities following his entry.

On December 22, 2002, Romania instituted Emergency Ordinance No. 194 which bars the entry of foreigners who are suspected of committing war crimes and/or crimes against humanity.

12. Slovakia – During the period under review no convictions were obtained, nor were any indictments filed or investigations initiated.

13. Spain – During the period under review no convictions were obtained, nor were any indictments filed or investigations initiated. Recent research by investigative journalist Jose Maria Irujo (La Lista Negra) clearly indicates that after World War II Spain granted haven to numerous Nazi war criminals, among them Belgian fascist leader Leon Degrelle and SS-General Otto Remer, who was a leader of the postwar neo-Nazi

movement and whose extradition to Germany was blocked by the Spanish Parliament in 1996.

Category F - Total Failure

1. **Colombia** – In July 2001, the Simon Wiesenthal Center submitted a list of eleven suspected Nazi war criminals from the Baltics who had emigrated to Colombia after World War II. The Colombian authorities have never responded to the Center’s request to clarify the current whereabouts of these individuals.
2. **Norway** – According to Norwegian law, there is a statute of limitations on murder cases, which in principle makes the investigation, let alone prosecution, of Holocaust perpetrators impossible in Norway.
3. **Sweden** –The Swedish government refused in principle to investigate, let alone prosecute, Swedish Nazi war criminals and/or Nazi war criminals (mostly from the Baltics) who found refuge in Sweden after World War II, due to a statute of limitations on murder, which was instituted in 1926. Thus despite extensive evidence regarding the crimes committed by these individuals during the Holocaust, and contrary to its active involvement in Holocaust education worldwide, Sweden remains among the few countries which in principle refuse to take legal action against Holocaust perpetrators.
4. **Syria** – Despite abundant convincing evidence to the contrary, Syria has consistently denied that Alois Brunner, who bears direct responsibility for the deportation to Nazi death camps of 128,500 Jews from Austria, Greece, France, and Slovakia is living in Damascus. Brunner was recently sentenced in absentia to life imprisonment (for the third time) in France. Germany, Austria, Slovakia, France and Poland currently seek his extradition, but the Syrians have been totally uncooperative regarding this case.

Investigation and Prosecution Report Card: Comparative Statistics 2001-2003

	2001 2000/1	2002 2001/2	2003 2002/3
Argentina	C	X	D
Australia	D	D	D
Austria	D	D	D
Belarus		X	X
Belgium		X	X
Bolivia		X	X
Bosnia-Herzegovina		X	X
Brazil		X	X
Canada	B	B	C
Chile		X	X
Colombia		F	F
Costa Rica	C	D	C
Croatia	C	D	D
Czech Republic		D	X
Denmark		D	D
Estonia	D	D	D
Finland		D	D
France	B	C	D
Germany	B	B	B
Great Britain	C	D	D
Greece		X	X
Holland		D	X
Hungary		X	D
Italy	B	C	C
Latvia	C	D	C
Lithuania	C	C	C

Luxemburg		X	
New Zealand	D	D	
Norway		D	F
Paraguay		X	
Poland		B	C
Romania		X	D
Russia		X	X
Scotland	D	D	
Slovakia		X	D
Spain			D
Sweden	F	F	F
Syria	F	F	F
Ukraine		X	X
United States	A	A	A
Uruguay		X	X
Venezuela		F	X
Yugoslavia		X	X

Simon Wiesenthal Center
Snider Social Action Institute

The Simon Wiesenthal Center is an international Jewish human rights organization dedicated to preserving the memory of the Holocaust by fostering tolerance and understanding through community involvement, educational outreach and social action. The Center confronts important contemporary issues including racism, anti-Semitism, terrorism and genocide and is accredited as an NGO both at the United Nations and UNESCO. With a membership of over 400,000 families, the Center is headquartered in Los Angeles and maintains offices in New York, Toronto, Miami, Jerusalem, Paris and Buenos Aires.

Established in 1977, the Center closely interacts on an ongoing basis with a variety of public and private agencies, meeting with elected officials, the U.S and foreign governments, diplomats and heads of state. Other issues that the Center deals with include: the prosecution of Nazi war criminals; Holocaust and tolerance education; Middle East Affairs; and extremist groups, neo-Nazism, and hate on the Internet.

The Center is headed by Rabbi Marvin Hier, its Dean and Founder. Rabbi Abraham Cooper is its Associate Dean and Rabbi Meyer May its Executive Director.

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Simon Wiesenthal Center - Israel Office

Since its establishment in Jerusalem in 1986, the Simon Wiesenthal Center's Israel office has made the efforts to help bring Nazi war criminals to justice the primary focus of its activities. Founded by Holocaust historian Dr. Efraim Zuroff, who also coordinates the Center's Nazi war crimes research worldwide, the office has played an important role in tracking down and exposing escaped Nazi war criminals and in helping to facilitate their prosecution. During the past seventeen years, the office has carried out innovative research which has helped identify over 2,500 suspected Nazi war criminals, most of whom escaped to Western democracies after World War II. It also played an important role in helping to convince countries of refuge such as Canada (in 1987), Australia (in 1989), and Great Britain (in 1991) to pass special legislation to enable the prosecution of Nazi war criminals residing in those countries.

Following the dismemberment of the Soviet Union and the fall of Communism, the Israel office has been particularly active in Eastern Europe, and especially in the Baltics, in helping to identify Holocaust perpetrators and convince often-reluctant governments to bring local Nazi war criminals to justice. It has also exposed the illegal rehabilitations granted in independent Lithuania and Latvia to dozens of individuals convicted by Soviet courts who had actively participated in the mass murder of Jews during the Holocaust.

During the past decade these efforts have intensified and have been expanded to include the fight for historical truth in many of the countries in which the Holocaust took place, as well as the struggle against contemporary anti-Semitism.

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