

# **Worldwide Investigation and Prosecution of Nazi War Criminals**

**(April 1, 2003 – March 31, 2004)**

**An Annual Status Report**

**Dr. Efraim Zuroff**

**Simon Wiesenthal Center – Jerusalem**

**Snider Social Action Institute**

**August 2004**





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## EXECUTIVE SUMMARY

1. During the period in question the investigation and prosecution of Nazi war criminals continued in at least eleven countries, among them countries such as Germany, Austria and Poland in which the crimes of the Holocaust were committed and others like the United States and Canada which afforded a postwar haven to Holocaust perpetrators.
  
2. From April 1, 2003 until March 31, 2004, seven convictions of Nazi war criminals were obtained – all in the United States. Most of those convicted served as armed guards in Nazi concentration and death camps in Poland and Germany. The number of convictions is one higher than the number achieved during the previous year. From January 1, 2001 until March 31, 2004 (39 months), a total of twenty-seven Nazi war criminals have been convicted all over the world, a rate of more than two convictions every three months. Of the convictions achieved, eighteen were in the United States with the others convicted in Germany (3), Canada (3), Poland (1), France (1), and Lithuania (1).
  
3. During the period under review, legal proceedings were initiated against at least ten Nazi war criminals in three countries - five in the United States, three in Canada and two in Germany. Among those indicted during this period are officers such as Ladislav Niznansky, the commander of the “Edelweiss” unit which murdered many dozens of Jews and Slovak partisans during the last year of the war, and was arrested this year in Germany, where he has lived for several decades. The number of indictments obtained this year is smaller by one than the figure achieved during the previous year. From January 1, 2001, until March 31, 2004, twenty-seven indictments have been submitted against Nazi war criminals, the majority in the United States.
  
4. During the period under review new investigations were initiated against at least three hundred and thirty-five suspected Holocaust perpetrators (an increase of 143% from the previous year) and at the moment there are ongoing investigations against nine hundred and forty suspected Nazi war criminals all over the world (an increase of about 91% from last year), with the largest number of cases being investigated in Poland (350), the United States (285), Canada (194), Germany (35) and Austria (27).

5. This year we have chosen the United States as the country with the most outstanding record in bringing Nazi war criminals to justice.

At the same time, we have singled out Romania for its total failure to address the issue of Holocaust perpetrators, and especially for its refusal to cancel the pardons granted several years ago to Colonel Gheorghe Petrescu and Colonel Radu Dinulescu, who played an important role in the mass murder of Jews in Bessarabia and Bukovina in 1941.

We also want to point to the continued in-principle refusal of Sweden and Norway to investigate Nazi war criminals due to existing statutes of limitation.

## **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 two indictments during the period under review.

### **Category C:** Minimal Success That Could Have Been Greater, Additional Steps Urgently Required

Those countries which have failed to obtain any convictions or 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 could 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 residents within their borders.

A: USA

B: Canada, Germany

C: Austria, Italy, Latvia, Lithuania, Poland

D: Argentina, Australia, Croatia, Denmark, Estonia, Finland, France, Great Britain, Holland, Hungary, New Zealand, Slovakia, Slovenia, Spain

F: Colombia, Norway, Romania, Sweden, Syria, Venezuela

X: Belarus, Belgium, Bolivia, Bosnia-Herzegovina, Brazil, Chile, Costa Rica, Czech Republic, Greece, Luxemburg, Paraguay, Russia, Ukraine, Uruguay, Yugoslavia

## INTRODUCTION

Although we have recently marked the fifty-ninth 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 has also exposed the rehabilitations granted to Nazi war criminals in several East European countries and has played a role in the cancellation of dozens of these pardons.

The Center's experience has clearly shown 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, chronicle its development, 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 19, 2004. 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, educating the public regarding the dangers of anti-Semitism and racism and the crimes of the Holocaust, 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 (as reported by the pertinent agencies in each country), we must never lose sight of the terrible crimes committed by each and every individual identified as a Holocaust perpetrator.

The evidence regarding these 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](mailto:swcjerus@netvision.net.il)

Dr. Efraim Zuroff  
Director, SWC-Israel  
Coordinator, SWC Nazi War Crimes Research

## **THE PERIOD UNDER REVIEW: APRIL 1, 2003 – MARCH 31, 2004**

In attempting to record and analyze the worldwide efforts to investigate and prosecute Nazi war criminals during a specific time period, there are four major criteria which have to be taken into account:

1. the number of convictions obtained;
2. the number of indictments filed;
3. the number of investigations initiated;
4. the number of ongoing investigations.

During the period under review, the number of convictions obtained rose slightly while the figure of new indictments filed was slightly lower, but the most remarkable development was the enormous increase in the number of new and ongoing investigations. Thus in the course of the twelve months prior to April 1, 2004, there was an increase of 143% in the number of new investigations opened (which had declined by 37% during the previous year) and a rise of 91% in the number of ongoing cases being investigated as of March 31, 2004 (as compared with an increase of 8% in the number of cases being investigated on March 31, 2003).

In analyzing the results of the previous year, it is clear that it is becoming increasingly difficult to convict Nazi war criminals on criminal charges, whereas the efforts to denaturalize and deport Holocaust perpetrators are continuing with a fair measure of success, particularly in the United States. Thus the past year was the first since 2001 (when the Wiesenthal Center began publishing its annual reports) that not a single Nazi war criminal was convicted on criminal charges anywhere in the world. By comparison, six convictions [three in Germany, and one each in Poland, Lithuania, and France (in absentia)] were obtained during the period from January 1, 2001 until March 31, 2003.

On the other hand, the efforts to prosecute Nazi war criminals on civil charges (which result in denaturalization and deportation) are continuing at a fairly successful rate and during the period under review were the only convictions obtained. The number of such convictions also rose from five to seven. Starting in 2001, twenty-one of the twenty-

seven convictions obtained were on civil charges, eighteen in the United States and three in Canada.

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 conducting numerous such investigations. And while the results achieved no doubt reflect the objective difficulties involved in the criminal 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 with the requisite political will, and in fact, the only indictments filed on criminal charges for murder during the period under review were filed in Germany. The existence of a special prosecution agency for Nazi war crimes (the “Zentrale Stelle” in Ludwigsburg) is undoubtedly a major reason for whatever modest success Germany has registered during the past 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 convicted anyone for crimes committed against Jews during the Holocaust for decades. Whether this will ever change will be determined during the coming year when the Austrian authorities will be examining the names of 180 suspects submitted by the Simon Wiesenthal Center during the period under review. (Fifty-nine of the names were received by mid-March 2004 and they constitute almost all the new investigations initiated by the Austrian authorities. The other 121 names were submitted on March 31, 2004 and consequently have not yet been dealt with by the Austrian officials.)

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 not particularly encouraging. Although Canada (in 1987), Australia (in 1989) and Great Britain (in 1991), all passed special laws to enable

prosecution, no convictions were obtained and only two indictments were 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 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.

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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 Poland which has opened one hundred and seventy-two new investigations during the period under review. Also encouraging is the number of new cases opened in Austria (60), the United States (40), Lithuania (18), Italy (18), and Latvia (16).

With nine hundred and forty 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 been reluctant to prosecute 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 also included newspaper ads which focused on the complicity of local Nazi collaborators in the murders encountered considerable opposition and skepticism in the Baltics but has already yielded information which has led to the opening of eighteen official pretrial murder investigations (against several dozen suspects) in Lithuania and Latvia and the submission of previously unknown data concerning Holocaust crimes. To date, the Wiesenthal Center has received the names of one hundred ninety-eight suspects in Lithuania, forty-three in Latvia and six in Estonia, of which fifty-nine have been submitted to local prosecutors.

In September 2003, "Operation: Last Chance" was expanded to Poland, Romania and Austria, and during the period under review the names of approximately two dozen new suspects were received from those countries. During 2004, the Wiesenthal Center plans to launch the project in Croatia, Hungary, Argentina, Germany, and the Ukraine.

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, Poland asked Costa Rica for the extradition of Ukrainian policemen Bogdan Koziy and Lithuania canceled thirty rehabilitations granted illegally to individuals convicted by the Soviet courts (among them an unknown number of Nazi war criminals). In addition, the American Office of Special Investigations added four names to the US watch-lists of suspected Axis persecutors and denied five such individuals entry into the United States.

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 three reports, we can point to twenty-seven convictions and twenty-nine indictments during the past thirty-nine 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, 2003 – March 31, 2004

1. United States of America – 7

Details of Convictions Obtained During the Period Under Review

1. April 15, 2003: Theodor Szehinskyj – deportation  
SS-Death's Head guard at Gross-Rosen, Sachsenhausen and Warsaw concentration camps.
  
2. July 31, 2003: Jakiw Palij – denaturalization  
armed guard at SS-run Trawniki labor camp
  
3. August 14, 2003: Jakob Miling – denaturalization/deportation  
SS-Death's Head battalion armed guard at Gross-Rosen and Sachsenhausen concentration camps
  
4. August 30, 2003: Vytautas Gecas – deportation  
served in 2nd / 12th Lithuanian Security Police battalion which actively participated in the mass murder of over 19, 000 civilians, primarily Jews, in Belarus
  
5. November 21, 2003: Johann Lepprich – deportation  
SS-Death Head's guard at Mauthausen concentration camp
  
6. February 24, 2004: Adam Friedrich – denaturalization  
SS-Death Head's armed guard at Gross-Rosen concentration camp, its Dyhernfurth subcamp and Flossenburg concentration camp
  
7. March 24, 2004: Andrew Kuras – denaturalization  
armed guard at SS-run forced labor camps at Trawniki, Poniatowa and Dorohucza

**CONVICTIONS OF NAZI WAR CRIMINALS: COMPARATIVE**  
**STATISTICS 2001-2004**

	<b>January 1, 2001 – March 31, 2003</b>	<b>April 1, 2003 – March 31, 2004</b>	<b>April 1, 2003 - March 31, 2004</b>
United States	6	5	7
Canada	3	0	0
Germany	2	1	0
Poland	1	0	0
France	1	0	0
Lithuania	1	0	0
<b>Total</b>	<b>14</b>	<b>6</b>	<b>7</b>

## **NEW CASES FILED DURING THE PERIOD UNDER REVIEW**

United States – 5

Canada – 3

Germany – 2

### **1. United States of America**

- a. July 24, 2003: John (Johann) Hansl – denaturalization  
armed Death Head's battalion guard at Sachsenhausen concentration camp
- b. September 10, 2003: Joseph Wittje – denaturalization  
armed Death Head's battalion guard at Sachsenhausen concentration camp
- c. September 30, 2003: Josias Kumpf – denaturalization  
armed Death's Head battalion guard at Sachsenhausen concentration camp, Trawniki training camp, Majdanek, Buchenwald and Mittelbau concentration camps
- d. December 29, 2003: Osyp Firishchak – denaturalization  
served in Ukrainian police unit in Lviv which persecuted and murdered Jews in that city
- e. January 8, 2004: John (Ivan) Kalymon – denaturalization  
served in Ukrainian police unit in Lviv which persecuted and murdered Jews in that city

### **2. Canada**

- a. Michael "Misha" Seifert – denaturalization  
convicted in absentia in Italy of murder, rape and torture of inmates at Bolzano (Italy) detention camp where he served as an SS-guard and was nicknamed "the beast of Bolzano."

b. Jura Slomaczuk – denaturalization

armed guard at Trawniki training camp, Sachsenhausen and Mauthausen concentration camps

c. Josef Furman – denaturalization

armed guard at Trawniki training camp; participated in liquidation of Warsaw Ghetto (April – May 1943) and Bialystok Ghetto (August 1943); served as an armed guard at Flossenurg concentration camp

**3. Germany**

a. January 20, 2004 – Prof. Rosemarie Albrecht – murder

accused of murder of patient in Jena as part of Nazis’ euthanasia program

b. March 3, 2004 – Ladislav Niznansky – murder

as commander of Nazi “Edelweiss” police unit, accused of murder of Jews and Slovak partisans in 1945

**NEW CASES FILED: COMPARATIVE STATISTICS 2001 – 2004**

	<b>January 1, 2001 – March 31, 2002</b>	<b>April 1, 2002 – March 31, 2003</b>	<b>April 1, 2003 - March 31, 2004</b>
United States	4	10	5
Germany	1	1	2
Canada	1	0	3
<b>Total</b>	<b>6</b>	<b>11</b>	<b>10</b>

**NEW INVESTIGATIONS OF NAZI WAR CRIMINALS INITIATED DURING  
THE PERIOD UNDER REVIEW**

Poland	172
Austria	60
United States <sup>1</sup>	40
Lithuania <sup>2</sup>	18
Italy	18
Latvia	16
Germany <sup>2</sup>	9
Estonia	1
Denmark	1
Canada <sup>3</sup>	?
<b>Total</b>	<b>335</b>

1. The figure for the United States includes formal investigations (6) as well as preliminary inquiries (34).
2. The figure for new investigations in Lithuania, and Germany denotes the number of investigations and not the number of suspects, which is considerably higher since most investigations relate to more than one suspect.
3. 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 – 2004**

	<b>January 1, 2001 – March 31, 2003</b>	<b>April 1, 2003 – March 31, 2004</b>	<b>April 1, 2003 – March 31, 2004</b>
Lithuania	100	24	18
Poland	48	8	172
United States	46	16	40
Austria	10	3	60
Germany <sup>1</sup>	9	?	9
Great Britain	6	1	0
Estonia	2	17	1
Italy	0	56	18
Australia	0	9	0
Latvia	0	4	16
Canada	0	?	?
Denmark	0	0	1
<b>Total</b>	<b>221</b>	<b>138</b>	<b>335</b>

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

**ONGOING INVESTIGATIONS OF NAZI WAR CRIMINALS**  
**AS OF MARCH 31, 2004**

Poland	350
United States <sup>1</sup>	285
Canada <sup>2</sup>	194
Germany	35
Austria	27
Lithuania	25
Italy	12
Latvia	5
Estonia	3
Denmark	2
Croatia	1
Great Britain	1
<b>Total</b>	<b>940</b>

1. The figure for the United States includes formal investigations (86) as well as preliminary inquiries (199).
2. The figure for Canada includes full investigations (70) as well as initial investigations (124).

**ONGOING INVESTIGATIONS OF NAZI WAR CRIMINALS: COMPARATIVE  
STATISTICS 2001 – 2004**

	<b>January 1, 2001 – March 31, 2002</b>	<b>April 1, 2002 – March 31, 2003</b>	<b>April 1, 2003 – March 31, 2004</b>
United States <sup>1</sup>	175	275	285
Lithuania	110	108	25
Canada	78	67	194
Poland	48	13	350
Germany	27	13	35
Great Britain	6	2	1
Croatia	3	2	1
Austria	3	4	27
Latvia <sup>2</sup>	2	5	5
Holland	1	0	0
Estonia	1	2	3
Costa Rica	1	0	0
Denmark	0	1	2
Italy			12
<b>Total</b>	<b>455</b>	<b>492</b>	<b>940</b>

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 – Since its establishment in 1979, 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 seven convictions and filing five new cases. At the moment, OSI has twenty-two cases in litigation and is examining two hundred and eighty-five cases. In addition, forty new investigations were initiated, four names were added to the “watch-list” of those barred from entering the United States (among them more than 70,000 Nazi war criminals and collaborators) and five 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.) In all, the OSI has won cases against 93 individuals who assisted in Nazi persecution, since its establishment.

Of particular note was the case of Johann Leprich who served as an armed SS Death’s Head guard at Mauthausen and was initially stripped of his American citizenship in 1989. Leprich subsequently escaped to Canada before additional legal action could be taken against him in the United States, but was discovered in July 2003 hiding in a secret compartment under the basement staircase of his former home in Clinton Township, Michigan. He was ordered deported to Germany in March 2004.

### **Category B - Ongoing Prosecution Program Which Has Achieved Practical Success**

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, Esq. has initiated twenty-one cases, in which eight denaturalizations have been obtained and two defendants have left the country voluntarily after their citizenship was revoked. Three defendants have defeated the government and six have passed away in the course of the legal proceedings against them.

During the period under review, the Canadian authorities filed three new indictments, all against concentration guards, a marked improvement over its record during the previous year when no convictions were obtained or indictments filed.

Although Canada has obtained eight convictions following its decision to switch to civil remedies, the results achieved so far, 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 assessed in Ottawa in the hope of improving the results achieved by the Canadian judicial authorities.

2. 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, two new indictments for murder (the only ones on criminal charges anywhere in the world) were 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. Austria – One of the more important developments during the period under review was the marked increase in the number of new cases of suspected Nazi war criminals being investigated in Austria. This has been the result of a studied effort by the Simon Wiesenthal Center to focus its research on that country, which has failed to convict any Nazi war criminals during the past almost three decades, despite the active participation of numerous Austrians in the implementation of the Final Solution.

The large number of new cases currently being investigated could definitely benefit from the establishment of a special Austrian agency for the investigation and prosecution of Nazi war criminals, along the lines of the Zentral Stelle in Germany, but unfortunately a decision to take such a step has been postponed until the fall of 2004 at the earliest.

2. Italy – During the period under review, Italy has continued its renewed efforts to prosecute Germans who participated in atrocities against Italian civilians during the years 1944-1945. Several of the investigations has reached the trial stage, but during the period under review no convictions were obtained nor were any new indictments filed.

The lack of a specialized agency to investigate and prosecute these cases is unfortunate. Also problematic is Italy's reluctance to prosecute Italian Nazi collaborators, none of whom have been tried in recent years.

3. Latvia – Most of the activities of the Latvian judicial authorities during the period under review were generated in response to the submission by the Simon Wiesenthal Center of the names of nine suspected Latvian Nazi war criminals obtained in the framework of the Center's "Operation: Last Chance" project. Three additional suspects were investigated in the wake of historical research carried out by Latvian historian Aigars Urtans on the mass murder of Jews and other civilians in the

Bauska and Jelgava districts during the years 1941-1942. During the period under review, none of these investigations resulted in an indictment, nor have any trials

4. Lithuania – Following the establishment several years ago of a Special Investigations Division at the Prosecutor-General's Office, headed by Rimvydas Valentukevicius, Esq. some progress has been made on the cases of several Holocaust perpetrators. During the period under review, eighteen new investigations were initiated, and thirty 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, thirteen 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.

5. Poland – In the wake of the establishment in 2000 of the Institute of National Memory (Instytut Pamięci Narodowej), headed by Prof. Dr. Leon Kieres, the Polish authorities have made a renewed effort to bring Nazi war criminals to justice, which is clearly reflected in two important achievements – the extradition request for Ukrainian Nazi war criminal Bogdan Koziy submitted to Costa Rica in November 2003 and the opening of one hundred and seventy-two new investigations during the period under review.

On the negative side of the ledger, no convictions were obtained 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 hereto doomed the attempts to achieve a measure of justice.
2. Australia - Despite amending existing laws to facilitate the 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. Croatia – During the period under review no appreciable progress was made. No convictions were obtained, nor were any indictments filed. The Office of the State Attorney in Zagreb County continues to conduct one investigation against a Croatian citizen currently residing in Argentina.
4. Denmark – During the period under review, the Danish authorities opened one new investigation bringing the total of cases still open to two, but no indictments were filed nor were any suspects brought to trial.

5. Estonia – On December 10, 2003 the Estonian Prosecutor-General initiated an investigation against Mihail Gorshkov, who is alleged to have participated in the mass murder of Jews in Slutsk, Belarus in 1943. (Gorshkov was stripped of his American citizenship by the Office of Special Investigations in 2002 for concealing his wartime past when he applied to emigrate to the United States and when he applied for US citizenship. He returned to his birthplace in the spring of 2002 and was given an Estonian passport.)

In a February 15, 2004 article by Anna Badkhen in the San Francisco Chronicle, Martin Arpo of the Estonian Security Police Department which investigates crimes against humanity is quoted as saying that the only reason the investigation against Gorshkov was opened was “just to prove to the world that we are dealing with these problems.” Arpo related that he had met with Gorshkov but had not questioned him, and added that the investigators do not consider him a candidate for trial, although an American court found that Gorshkov had personally participated in the roundup of approximately 3,000 Jewish men, women, and children who were murdered in Slutsk.

Arpo has claimed that he was quoted out of context, while journalist Anna Badkhen insists that the quote and information attributed to Arpo are accurate. If Estonia’s record to date is any indicator, it is extremely doubtful that Gorshkov will ever be brought to trial. During the past three years, for example, the Estonian Security Police has been notoriously quick to dismiss any allegations regarding the participation of Estonian units in Holocaust crimes outside Estonia, despite evidence to that effect produced by the Estonian International Commission for the Investigation of Crimes Against Humanity and confirmed by survivor witnesses.

6. Finland – In November 2003, Finnish researcher Elina Sana published a book entitled Luovutetut – Suomen ihmislouvutukset Gestapolle (The Extradited – Finland’s Deportations to the Gestapo) which revealed, that contrary to the prevalent assumption that only eight Jewish refugees had been deported during World War II to Germany by the Finnish authorities, during the years 1941-1943 Finland had deported approximately three thousand foreigners (among them many

Jewish Soviet prisoners of war and Soviet political officers) to Nazi Germany where many were murdered.

At the urging of the Wiesenthal Center's chief Nazi-hunter Dr. Efraim Zuroff, Finnish President Tarja Halonen called for an investigation of the events, which was initiated by the Finnish government almost immediately. The summary report prepared by Finnish historian Professor Heikki Ylikangas in January 2004 recommended a full-scale governmental investigation which hopefully will fully clarify the events and identify those responsible.

During the period under review no other investigations were initiated or indictments filed.

7. France – In July 2003 Nazi war criminal Maurice Papon, who was convicted in 1998 for his role in the deportation of 1,690 Jews from Bordeaux to Nazi death camps, had his pension reinstated by the French government. Papon subsequently proclaimed that he felt no remorse for his deeds and that the court which had convicted him should be ashamed. He also was later photographed with a medal of honor from the French government which had been withdrawn following his conviction.

No activity was undertaken in any other case during the period under review.

8. Great Britain – During the period under review, the government continued its investigation of the 14<sup>th</sup> Waffen-SS Division, 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 two years ago that a proposal to that effect would be presented to Parliament but this hoped-for change has not been instituted.
9. Holland – During the period under review no convictions were obtained, nor were any indictments filed or investigations initiated.



10. Hungary – During the period under review no convictions were obtained, nor were any indictments filed or investigations initiated.
11. New Zealand – During the period under review no convictions were obtained nor were any indictments filed or investigations initiated.
12. Slovakia – During the period under review no convictions were obtained, nor were any indictments filed or investigations initiated.
13. Slovenia - During the period under review no convictions were obtained, nor were any indictments filed or investigations initiated.
14. Spain – During the period under review no convictions were obtained, nor were any indictments filed or investigations initiated.

**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. Romania – From the restoration of democracy in Romania, there has not been a single initiative to investigate, let alone prosecute, any of the numerous unprosecuted Romanians who actively participated in the crimes of the Holocaust. On the contrary, it has recently become known that several convicted war criminals, such as Colonel Gheorghe Petrescu and Colonel Radu Dinulescu, who played important roles in the persecution and mass murder of Jews in Bessarabia and

Bukovina during the summer and fall of 1941, were inexplicably granted pardons cancelling their convictions.

In January 2004 the Wiesenthal Center appealed to Romanian Attorney-General Dr. Ilie Botos to cancel the pardons but this request was rejected by the Romanian authorities.

4. Sweden –The Swedish government refuses 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.
5. 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. In March 2001, Brunner was 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.
6. Venezuela – The Venezuelan authorities have hereto failed to investigate the cases of the suspected Nazi war criminals who entered the country and in principle refuse to provide any information on this subject to the Simon Wiesenthal Center.

**INVESTIGATION AND PROSECUTION REPORT CARD: COMPARATIVE**

**STATISTICS 2001-2004**

	<b>2001 2000/1</b>	<b>2002 2001/2</b>	<b>2004 2002/3</b>	<b>2004 2003/4</b>
Argentina	C	X	D	D
Australia	D	D	D	D
Austria	D	D	D	C
Belarus		X	X	X
Belgium		X	X	X
Bolivia		X	X	X
Bosnia-Herzegovina		X	X	X
Brazil		X	X	X
Canada	B	B	C	B
Chile		X	X	X
Colombia		F	F	F
Costa Rica	C	D	C	X
Croatia	C	D	D	D
Czech Republic		D	X	X
Denmark		D	D	D
Estonia	D	D	D	D
Finland		D	D	D
France	B	C	D	D
Germany	B	B	B	B
Great Britain	C	D	D	D
Greece		X	X	X
Holland		D	X	D
Hungary		X	D	D
Italy	B	C	C	C
Latvia	C	D	C	C
Lithuania	C	C	C	C
Luxemburg		X		X
New Zealand	D	D		D

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

#### **International headquarters:**

1399 South Roxbury Drive, Los Angeles, California 90035, UNITED STATES

Tel: 310/553-9036 or (toll-free from within the U.S.) 800/900-9036

Fax: 310/553-4521

Email: [information@wiesenthal.com](mailto:information@wiesenthal.com)

## **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.

### **Contact Information**

Director: Dr. Efraim Zuroff

Office Manager: Talma Hurvitz

1 Mendele St., Jerusalem 92147

ISRAEL

Tel: 972-2-563-1273-5

Fax: 972-2-563-1276

Email: [swcjerus@netvision.net.il](mailto:swcjerus@netvision.net.il)

**International offices:**

SWC – New York

Director - Rhonda Barad

50 East 42nd St., 16th Floor, New York, NY 10017, UNITED STATES

Tel: 212/370-0320

Fax: 212/883-0895

Email: swcny@swcny.com

SWC – Florida

Director – Bob Novak

4601 Sheridan St. Suite 220, Hollywood, Fl. 33021, UNITED STATES

Tel: 954/966-1118

Fax: 954/966-1533

Email: swcsouthern@aol.com

SWC – Toronto

Director of National Affairs - Leo Adler

8 King Street East, Ste. 710, Toronto, Ontario, M5C 1B5, CANADA

Tel: 416/864-9735

Fax: 416/864-1083

Email: swc@pathcom.com

SWC – Paris

Director - Shimon Samuels

64 avenue Marceau, 75008 Paris, FRANCE

Tel: 331/47-23-76-37

Fax: 331/47-20-84-01

Email: csweurope@compuserve.com

SWC – Buenos Aires

Director - Sergio Widder

Maipu 853 4° 1006, Buenos Aires, ARGENTINA

Tel: 5411/4347-4313

Fax: 5411/4313-3985

Email: cswlatin@einstein.com.ar

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## TEN MOST PROMINENT CASES OF NAZI WAR CRIMINALS

### **1. Alois Brunner – Syria**

Key operative of Adolf Eichmann

Responsible for deportation of Jews of Austria (47,000) Greece (44,000) France (23,500) and Slovakia (14,000) to Nazi death camps

Status – Syrian refusal to cooperate stymies prosecution efforts; convicted in absentia by France

### **2. Ivan Demjanjuk – USA**

Participated in mass murder of Jews in Sobibor death camp; also served in Majdanek death camp and Trawniki SS-training camp

Status – denaturalized in USA; facing deportation from USA; under investigation in Poland

### **3. Mikhail Gorshkow – Estonia**

Participated in murder of Jews in Belarus

Status: denaturalized in USA, under investigation in Estonia

### **4. Ladislav Niznansky - Germany**

Commander of Nazi “Edelweiss” unit that murdered dozens of Jews and Slovak anti-Nazi partisans

Status: indicted in Germany, to face trial there

### **5. Jack Reimer – USA**

Participated in murder of Polish Jews as officer of Trawniki SS-training camp

Status: denaturalized in USA; faces deportation

### **6. Nada Sakic – Croatia**

Participated in murder of inmates in Stara-Gradiska camp, Croatia

Status: extradited from Argentina to Croatia; investigation closed by Croatian authorities

**7. Rosemarie Albrecht - Germany**

Participated in Nazi euthanasia program which carried out mass murder of handicapped, chronically ill and retarded Germans

Status: indicted in Germany, to stand trial there

**8. Petras Bernatavicius (Peter Bernes) – Lithuania**

Participated in organizing murder of Jews of Kupiskis, Lithuania

Status: denaturalized in USA; under investigation in Lithuania

**9. Algimantas Dailide – Germany**

Arrested Jews murdered by Nazis and Lithuanian collaborators

Status: deported from USA; under investigation in Lithuania

**10 Harry Mannil – Venezuela**

Arrested Jews and Communists executed by Nazis and Estonian collaborators

Status: expelled last year from Costa Rica; under investigation in Estonia



